

Hello AMBI Students, Faculty and Staff,

Here at AMBI we work every day to provide a one-of-a-kind education in a safe environment. To achieve this AMBI takes many preventative measures including but not limited to educational materials and assigned safety professionals.

Please review the important safety and security information contained in this report. It represents AMBI's commitment to your wellbeing and success.

With trained staff and the local police authorities we ensure the campus learning environment is safe and secure so the school can serve the region by providing access, service, and continuous learning. We are here to serve you, but we need your help to do that most effectively. Our goal of creating the safest, most secure learning community is only possible when we work collaboratively. Please be mindful and take a proactive approach toward ensuring your safety and the safety of others. You can assist by reporting unusual or suspicious activities or behaviors, and we will make every effort to protect your confidentiality. Reporting an incident does not necessarily result in someone getting into trouble. We all want to be safe and worry free.

AMBI is proactive in promoting safety and preventing crime. This report outlines the outreach programs and initiatives designed to protect and educate the AMBI community. Please familiarize yourself with the resources available to assist you. As an active member of our community, we solicit your assistance and suggestions in responding to crime and safety issues on campus.

If you have any questions or would like more information regarding campus safety and security or this report, please contact us at 571.620.7170 or visit the school website at

<https://ambimessageschool.com/consumer-information/>

## **About AMBI**

The American Massage and Bodywork Institute is located in beautiful Vienna, Virginia in the heart of Tysons Corner. Famous for its unique shops and proximity to major metropolitan areas, Tysons Corner is quickly becoming a choice place to live. Our Vienna campus is only 15-20 minutes from Washington, DC. We are also just a quick 20-minute drive from Arlington Va.

Our campus is organized to provide an environment conducive to learning for students at our massage training school. We provide our students with the best education in the field of therapeutic massage. We invite you to tour our school classrooms and visit with our staff on campus.

AMBI is accredited by the Commission on Massage Therapy Accreditation (COMTA) and is certified to operate by State Council of Higher Education for Virginia (SCHEV). We currently offer a hybrid learning program with day and evening schedules.

**Our Mission:** The American Massage & Bodywork Institute will attract and offer educational opportunities to individuals expressing interest in massage as a career. We will become active proponents in each of the communities in which we operate schools to educate the public on the benefits of massage therapy, both for the reduction of pain and stress relief as well as the overall health and wellness benefits it can provide.

The American Massage & Bodywork Institute will provide an elite introduction and education to those individuals who express a great interest in helping others feel better through the power of touch. The school will also offer continuing education opportunities to licensed massage therapists that wish to expand their education and improve their skillset and knowledge in this industry.

The American Massage & Bodywork Institute will keep current on new developments in this ever-changing industry. The American Massage & Bodywork Institute will provide a safe, nurturing environment and each of our new massage therapists will be able to build a strong foundation, so that each student will have the opportunity to thrive.

The American Massage & Bodywork Institute will remain compliant and up to date with all state requirements ensuring our students and alumni the resources required to build and maintain their professional careers.

### **School Governance**

The American Massage & Bodywork Institute will be establishing its education based upon the findings from the Coalition of National Massage Therapy Organizations announced in the publication of their Entry-Level Analysis Project (ELAP). The coalition collected and analyzed survey data from massage profession projects and documents to make an informed recommendation of core content and training hours. The group's members used accepted and successful instructional design methods to create an outline based on the most current and up-to-date topics that need to be included in the training of new therapists.

The coalition is comprised of some of the most well-known and respected authorities, including:

- Alliance for Massage Therapy Education (AFMTE)
- American Massage Therapy Association (AMTA)
- Associated Bodywork & Massage Professionals (ABMP)
- Commission on Massage Therapy Accreditation (COMTA)
- Federation of State Massage Therapy Boards (FSMTB)
- Massage Therapy Foundation (MTF)
- National Certification Board for Therapeutic Massage & Bodywork (NCBTMB)

With the recommendations of this panel, combined with the experience of our ownership team, it is our goal to provide the best educational experience for each of our students, and to keep our alumni engaged to new developments in this dynamic industry

### **Authorized Administrative Safety Personnel and Advisory Team (AASPAT)**

The Authorized Administrative Safety Personnel and Advisory Team consists of the President and any appointed members.

The AASPAT reviews matters concerning school policy and administrative procedures, it is responsible for developing, distributing, and implementing policies and procedures that meet federal, regional, state, local and institutional needs and requirements for effective emergency plans and operations.

The AASPAT is comprised of the following members:

- o Campus President and CEO, Scott Deidun, [sdeidun@ambi.edu](mailto:sdeidun@ambi.edu) 571-271-5399
- o Financial Aid Director, Phyllis Myers, [pmyers@ambi.edu](mailto:pmyers@ambi.edu) 240-499-6090
- o Campus Coordinator, John Smith, [jsmith@ambi.edu](mailto:jsmith@ambi.edu) 571-620-7170

**Authorized Administrative Safety Personnel and Advisory Team (AASPAT) cont.**

Specifically, the Advisory Team shall:

- o Serve as a point of contact for members of the AMBI community who wish to address concerns regarding safety and security, and the prevention of violence;
- o Serve to promote communication, education and information throughout the school to raise awareness concerning campus safety and security; Advise the Campus President and the local Police regarding issues relating to campus safety, security and the prevention of violence;
- o Review, as requested, Police Department policies and procedures, annual crime and service data, and advise the Police Department regarding issues identified through such review;
- o Monitor the effectiveness of safety and security programs initiated at the school;
- o Conduct semi-annual walking tours to make recommendations on lighting, building access, and other safety concerns.

### **Clery Act Information**

AMBI is committed to providing the campus community and visitors with the safest and most secure environment possible. AMBI encourages campus community members to remain aware of personal safety and work cooperatively with the campus to ensure the security of all. School Personnel follows all applicable state and federal reporting laws to ensure a safe campus required by the Crime Awareness and Campus Act, better known as the “Clery Act” which is contained in section 485 of the higher education act, codified at 20 U.S.C. § 1092.

The AASPAT collects selected crime statistics, prepares an annual safety report, and makes this report available prominently on the AMBI website not later than 1 October annually. Data is collected from Campus safety and security logs, Campus Personnel, and local police authorities.

AMBI must include in the Annual Security Report crime statistics which include all Clery crimes reported to any AASPAT Advisor. Pastoral and/or professional counselors are encouraged to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

- Pastoral counselor is defined as a person, who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.
- Professional counselor: A person whose official responsibilities include providing mental health counseling to members of the community and who is functioning within the scope of his or her license or certification.

This definition applies even to professional counselors who are not employees of the institution but are under contract to provide counseling at the institution.

Note: AMBI has no pastoral or professional counselors

- At AMBI Faculty and Staff are not considered professional counselors as defined by Clery and therefore they are AASPATS’s.

### **Clery Geography**

The Department of Education requires criminal statistical data to be included within the Annual Security Report from four distinct Clery geographic locations (On-Campus, Non-Campus, Public Property, and Residential Housing). AMBI normally has to comply with three reportable statistical locations since the institution does not have On-Campus dorms or On-Campus student housing.

The Annual Security Report for 2022, which will include statistics for the 2018, 2019, 2020, and 2021 calendar years, will include the Clery geographic locations as described below.

- On-Campus: The Department of Education provides two separate three-prong tests to determine if locations should be considered

On-Campus.

- o the institution owns or controls them;
- o They are reasonably contiguous to one another (or within one mile) and
- o They directly support or relate to the institution's educational purposes and
  - ♣ The institutions own but does not control them;
  - ♣ They are frequently used by students; and
  - ♣ They are used to support the institution's educational purposes

The Department of Education uses two definitions for Non-Campus Clery Geography

- Non-Campus: Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students and is not within the same reasonably contiguous geographic area of the institution.

- Non-Campus: The second definition includes the following:

- o Is owned or controlled by the institution;
- o Supports or is used for the institution's educational purposes;
- o Is frequently used by students; and
- o Is not considered part of the core campus

- Public Property: public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

♣ For example, the sidewalk as you step off campus property across the street, median, street, and onto the sidewalk on the other side of the street is included within public property statistics.

**Reportable offenses for Clery Act purposes are:**

- o Criminal homicide, including murder and both negligent and non-negligent manslaughter
- o Sexual offenses, including both forcible and non-forcible sexual assault
- o Robbery
- o Aggravated assault
- o Burglary
- o Motor vehicle theft
- o Arson
- o Hate crimes and any associated larceny, simple assault, intimidation, or vandalism/destruction of property
- o Arrests and/or disciplinary referrals for liquor law violations, drug law violations, or illegal weapons possession
- o Domestic Violence
- o Dating Violence
- o Stalking

As required by law, this report, which is available free of charge in printed or electronic format, provides information about security on campus including: campus community crime statistics, institutional policies on campus security, alcohol and drug use policies, the reporting of crimes, sexual assault, sexual harassment, and crime prevention. This report also provides phone numbers of helpful community resources.

All current students and employees are notified of the report's availability through an email announcement, and student, faculty and staff orientations. In addition, with the Annual Security Report being made available on-line prospective students and employees can review it at any time. The most recent Annual Security Report is available online at

<https://ambimessageschool.com/consumer-information/>

**Ensuring Your Safety First**

Although AMBI works hard to ensure the safety and security of its community; students and employees must assume responsibility for their own safety and the safety of their belongings.

AMBI prohibits all Clery crimes and Violence Against Women's Act (VAWA) related crimes of dating violence, domestic violence, sexual assault, and stalking upon the AMBI community property.

Precautionary measures are the most effective means of maintaining personal security. Here are some practical suggestions:

- o Remain alert, pay attention to your surroundings; when listening to devices via headphones or earbuds keep the volume low to ensure you remain aware of your surroundings.
- o Although the campus is considered safe, students and staff are encouraged to walk in pairs or groups after dark.
- o Use the lighted paths and sidewalks; avoid walking in dark areas where you cannot be seen.
- o Park in well-lit areas and check the inside of your vehicle before entering it.
- o Get to know the campus locations of the Emergency Exits
- o Carry only the credit cards and cash you need for the day and avoid ATM transactions while alone at night.
- o Consider carrying a small whistle with you.
- o Do not leave laptops, mobile phones, or other personal items unattended at any time even when closing your eyes for a quick nap.
- o Notify the Police, An AASPAT Advisor, or a member of the staff of any individual who appears not to have legitimate business on campus or whose actions arouse suspicion or concern.

We recommend that you do not bring valuables on the campus. If you choose to bring valuable property onto campus, secure it in an automobile or always keep it with you. Books, book bags, backpacks, electronic equipment, and purses are targets for theft. If possible, engrave your property with a unique identifier. AMBI is not responsible for damaged, lost, or stolen personal property.

**\*Remember, call 911 in an emergency.**

### **Reporting a Crime**

Anyone may report a crime, suspicious activity, concerning behavior or an emergency, 24 hours a day, seven days a week.

To report a crime, suspicious activity, or concerning behavior, or to report an incident that is not an emergency, call an AASPAT Advisor at the contact number listed. You may also call the local police on the non-emergency number 703-691-2131.

For immediate police assistance, dial 911.



All AMBI students, staff, faculty, bystanders, and guests who witness or are victims of a crime or who are involved in an emergency are encouraged to call police dispatch or 911 for assistance.

Students, staff, faculty, bystanders, and guests who witness or are victims of a crime on a AMBI campus, its adjacent public areas, and property under AMBI control are also encouraged to make a formal Clery report.

Confidential crime reports can be submitted by victims, perpetrators, witnesses, and third parties by filling out the incident report form. All related crimes which are Clery reportable incidents or crimes are included in the Annual Security Report.

### **Crime Alerts**

Alerts to the AMBI community about a crime that is occurring or has occurred, and which poses a significant threat to safety are sent through the school's notification system, STARS and/or email.

### **Clery Crime Statistics**

This report 's statistics were reported from January 1, 2021, until December 31, 2021. These statistics were collected from Campus Safety and Security Logs, Authorized Administrative Security Personnel (AASPAT) representatives, as well as Federal, regional state and local law enforcement agencies. They represent occurrences/incidents which occurred on Campus grounds, public sidewalks and roadways adjacent to the campus property, and non-campus locations under AMBI's control during 2021 and include all crime statistics reported to any AASPAT Advisor.

The Department of Education requires that AMBI publish an Annual Security Report (ASR).

In the ASR the Department of Education requires the following be used to classify and record Clery reportable crimes.

- ♣ The Federal Bureau of Investigation (FBI), Uniform Crime Reporting (UCR) Handbook is used for all definitions of offenses, except for below.
- ♣ Beginning in 2013 Dating Violence, Domestic Violence, and Stalking the meaning given such terms in section 40002(a) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)).
- ♣ Clery Act reporting DOES NOT require disclosure of all other sexual related offenses, e.g. sexual harassment, voyeurism and indecent exposure.
- ♣ Offenses are counted on the basis of calls for service, complaints and investigations.

♣ Findings of courts, coroners, jury, prosecutorial decisions and student judicial boards are NOT a basis for counting Clery Act crimes.

♣ The Clery Act does not require initiating an investigation or disclosing identifying information about the victim for the statistics included within this ASR.

The reported crimes are cataloged using the Hierarchy Rule which governs when the offender/perpetrator commits multiple offenses in the same incident. The hierarchy rule requires the most serious offense be counted when more than one offense was committed during a single incident. A single incident means the offenses must be committed at the same time and place; and that the time interval and distance between the offenses were insignificant. Not all crimes committed in the same incident are counted with the statistics, only the most serious per the hierarchy rule. The hierarchy rule does not apply to incidents of Arson, Hate Crimes, Domestic Violence, Dating Violence, Stalking, or Weapons, Drug, and Alcohol Violations.

In addition, Violence Against Women Reauthorization Act of 2013 (VAWA) also made an exception to the hierarchy rule when a sexual assault and murder occur in the same incident. Both crimes will be statistically recorded for that year's ASR.

The VAWA Act created some significant changes to the Clery Act statistical crime reporting requirements. Such changes included adding and tracking crimes related to Domestic Violence, Dating Violence, and Stalking which were not previously reported. As well, there were additional Hate Crimes classifications for National Origin Bias and Gender Identity Bias. Additionally, VAWA required changes to the tracking and cataloging of Sexual Assault Crimes. Previously under Clery, Forcible Sex Offenses (included Rape, Forcible Sodomy, Sexual Assault with an Object and Forcible Fondling) were based upon the National Incident-Based Reporting System (NIBRS) definitions. This requirement has been changed to use the Federal Bureau of Investigations (FBI) Uniform Crime Report (UCR) definition of Rape which within its definition includes the crimes of Sodomy and Sexual Assault with an Object. Therefore, the Forcible Sexual Offenses category has been changed to Rape or Fondling and the Non-Forcible Sexual Offenses have been changed to Incest and Statutory Rape with each of the statistics being individually reported.

## **Policies and Regulations**

### **Emergency Notifications/Timely Warning Notices**

AMBI is committed to the safety and well-being of its faculty, staff, students, and guests. In compliance with the Higher Education Act of 1965, as amended, and Section 23-9.2:11 of the Code of Virginia, we implemented STARS, a notification system that allows us to provide prompt warning notifications and alerts of immediate threats to the health and safety of the Campus Community.

This system allows various methods of notification, including but not limited to email notices, cellular text messages,

### **Timely Warning Notices**

Timely warnings are provided in the event of a reported crime, either on campus or off, that, in the judgment of the AMBI, The Police Department, or a designee, constitutes an ongoing or continuing serious threat to the AMBI community. The warnings (and updates) are generally written by the Campus President or a designee and are typically distributed via email to anyone who has an email address on file or via one of the alert notification technologies depending upon the incident specifics. The AASPAT will make every effort on a case-by-case basis to provide a timely warning to the campus community whenever a situation arises that constitutes an on-going or potential threat and necessitates notification. It is policy to post these notices on the school website and / or make notifications to faculty, students, and staff via email. The STARS system may be used depending on the nature of the incident.

If, for instance, a reportable crime occurs but the suspect is arrested, there may no longer be an ongoing threat to the AMBI community, and a warning may not be disseminated. Timely warnings may also be posted for other crime classifications, as deemed necessary.

### **Emergency Response and Evacuation**

Effective and efficient response and communication are essential components of any emergency plan, as well as testing the emergency response and evacuation procedures. AMBI is committed to testing the procedures at least annually and publicizing its procedures in conjunction with the test. Members of the AMBI Community are notified on an annual basis, via email, that they are required to notify the AASPAT or outside law enforcement agencies (via 911) of any situation or incident that involves a significant emergency or danger that may pose an immediate or on-going threat to the health and safety of students and/or employees on Campus. Authorized Staff and/or outside law enforcement agencies respond to such situations to assess the potential threat and summon the necessary resources to mitigate, investigate, and/or document any situation that may pose a significant emergency or danger. In addition, outside law enforcement responds to such incidents to determine if the situation does in fact, pose an immediate threat to the community. If an immediate threat does exist Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected.

### **Testing Emergency Response and Evacuation Procedures**

Emergency evacuation fire drills are required and mandated by the Virginia Statewide Fire Prevention Code, Chapter 4. The 2008 Higher Education Opportunity Act requires testing of the schools emergency response and evacuation procedures. AMBI complies with the provisions of the Code and Federal Statute.

A fire evacuation drill is conducted bimonthly for all required facilities. In addition, AMBI participates in the annual Statewide Tornado Drill and Earthquake Drill. AMBI also conducts two Alert Notification Drills annually to test all or a portion of the alert notification systems. The evacuation drills as described above are designed to prepare building occupants for an organized evacuation in case of an emergency and are used to educate and train occupants on issues specific to their building. During the drill, occupants practice drill procedures and familiarize themselves with the location of exits, assembly locations, and the sound of the fire alarm. In addition to educating the occupants of the building about the evacuation procedures during the drills, the process also provides the school an opportunity to test the operation of fire alarm or related emergency notifications system components.

All drills are monitored by Authorized Personnel. Afterwards, a survey is disseminated to request feedback and recommendations for improvement and to assess and evaluate emergency plans and capabilities.

The AASPAT members distribute information to students, faculty and staff for various types of emergency situations. Students receive information about evacuation procedures during the first week of class. AASPAT provides faculty with several resources to assist them with delivering this information to students.

### **Emergency Action Plan**

The Emergency Action Plan establishes procedures to be followed by employees in the event of an emergency, to include evacuation guidelines. It is the responsibility of all school employees to be knowledgeable of the Emergency Action Plan and to participate in drills and exercises. Faculty members are responsible for ensuring students are familiar with emergency procedures. The emergency action plan can be found at <https://ambimessageschool.com/consumer-information/>

### **Locks on Classroom Doors**

AMBI has installed lockable devices that allow all classrooms to be locked from the inside to prevent unwanted intrusion while still allowing doors to be quickly opened from the inside to permit easy exit.

### **Electronic Security and Door Access Control System**

An Access control Pad is installed on perimeter doors. The system creates the ability to lock and unlock doors remotely. Access is controlled individually through an access code given by the school staff when necessary.

### **On-Campus Security Cameras**

Monitoring and Recording Campus buildings and grounds are patrolled by the building manager. Monitoring is assisted by a network of cameras. The campus, including all buildings, grounds, parking areas, and roadways, are maintained with concern for safety and security.

Campus buildings and equipment are inspected regularly, and walkthroughs are regularly conducted by facilities and public safety officials to determine the appropriateness in maintaining current security features or implementing new security features.

The public can report safety concerns by calling 571-620-7170 or the local police

### **Non-Campus Monitoring of Activities**

AMBI does not operate non-Campus activities. If an AMBI student is involved in an offense at an off-campus center or facility, please cooperate as requested and permitted by law with responding local, state and federal law enforcement officials.

### **On-Campus Residential Housing**

AMBI does not have any On-Campus residential housing.

### **Missing Person Guide**

All higher education institutions that provide on-campus housing must comply with federal mandates required by the Crime Awareness and Campus Act better known as the "Clery Act" which is contained in section 485 of the higher education act, codified at 20 U.S.C. § 1092 and are required to establish missing student notification procedures for students who reside in on-campus housing. A missing person is an individual whose whereabouts are unknown; they have disappeared for no known reason and there is reasonable concern for their well-being and safety. If a student or employee is believed to be missing and there is reasonable concern for his or her well-being, we will notify the police.

If you suspect someone you know is missing, notify the local law enforcement agency by dialing 911, and provide a detailed description of the missing person.

AMBI does not provide on campus housing.

### **Firearms/Dangerous Weapons and Materials Policy**

Administrative staff, faculty, and students may have legal, unloaded weapons excluding rifles and shotguns in a secure out of sight compartment or container in parked vehicles. Administrative, staff, Faculty and students who wish to secure a handgun in their vehicle must possess a valid concealed handgun permit. The compartment or container may be a trunk or other storage area. At no time shall any weapon to include handguns be visible in plain view while inside a vehicle. Furthermore, at no time shall faculty and students possess the weapon (except while in their vehicle) while on School property. The only exception applies to police officers as defined within the policy. While civilian-attired police officers are authorized to carry firearms on campus, they must keep them concealed so as not to alarm others. Bringing explosives and other dangerous chemicals onto campus is prohibited.

## **Alcohol and Controlled Substance Policy and Procedures**

### Alcohol and Controlled Substance Policy

#### **Subject**

“Controlled substance” is used rather than “drug” as drugs technically refer to any chemical substance that, when taken into the body changes the chemistry and functioning of the body. These changes can include those produced by legally prescribed or over-the-counter medication.

#### **Purpose**

To maintain an atmosphere conducive to learning and consistent with the school mission, AMBI provides this policy to the members of the school’s community regarding the use of alcoholic beverages and controlled substances.

#### **Policy**

Students and employees of AMBI shall not possess, sell, use, purchase, manufacture, give away or otherwise distribute illegal substances including drugs or, where prohibited, alcohol while on campus, attending a School-sponsored off-campus event or while serving as a representative of the AMBI at off-campus meetings. Students and employees who violate this policy could be subject to arrest and disciplinary action through established due process procedures imposed through the school and/or local authorities.

Students found guilty of possessing, using, distributing, or selling controlled substances will face serious disciplinary action, which may include suspension and/or dismissal from the school for a first offense. In addition, the school will notify the police when its rules regarding illegal substance have been violated.

1. State and Federal Statutes

The Commonwealth of Virginia and the Virginia State Alcohol Beverage Control Board have enacted laws and regulations which govern alcoholic beverages. These laws are included in the copy of the entire document which can be found at the following link:

<https://ambimessageschool.com/consumer-information/>

2. Health Risks

AMBI recognizes that the misuse and abuse of alcohol is a persistent social and health problem of major proportion in our society and that it interferes with the objectives of our institution. Specific health risks associated with alcohol use can be found on the CDC’s website.

3. Prevention Program Recognizing the serious consequences resulting from the inappropriate use of drugs by practically all ages and segments of our society, AMBI has established student and employee policies that prohibit the possession or consumption of controlled substances on campus. Beyond potential disciplinary action that could result, AMBI recognizes the need and the responsibility to provide information and counseling services regarding the hazards of substance abuse. The following program of activities and services constitutes AMBI’s effort to

prevent drug abuse on the part of its students, faculty and staff. The Campus President will provide oversight for the content and timeliness of the programs.

- A. At least once a year, each campus will conduct a seminar, workshop, presentation or other program of information and awareness that will be open to all students, faculty and staff.
- B. Each AASPAT will have readily available information sheets which may be used by individuals for their own personal information and awareness.
- C. A list of referral services in Northern Virginia that specialize in assisting persons with substance abuse issues is available through 211Virginia at [www.211Virginia.org](http://www.211Virginia.org).

D.

#### 4. Biennial Review

The Assigned designee is responsible for completing the biennial review as noted in 34 C.F.R. § 668.46(e) The review will:

- (1) Determine the effectiveness of the education program and implement needed changes;
  - a. The designee will collect program information from the campuses and present the information to the AASPAT for review. At a minimum, the review will look at attendance and timeliness of subject matter.
  - b. The AASPAT will recommend any needed changes and implement the changes
  - c. Changes will be disseminated through the President's office
- (2) Ensure that the disciplinary sanctions applicable under State or Federal law for the unlawful possession or distribution of illicit drugs and alcohol are consistently enforced.
- (3) The annual notification will be sent by email to all students by Oct 1. It will also be posted on the website in the Consumer Handbook.

Employees and student who begin after the October notification will be guided to the appropriate handbook for information.

#### 5. Drug and Alcohol Abuse Prevention Program for Employees

AMBI supports the requirements of the Drug-Free Schools and Communities Act. In support of the school's drug-free workplace policy, AMBI established a Drug and Alcohol Abuse Prevention Program for employees to prevent the illicit use of drugs and abuse of alcohol or inhalants by employees.

### **Policy on Sexual Harassment**

#### A. Notice of Nondiscrimination

As a recipient of federal funds, American Massage and Bodywork Institute is required to comply with Title IX of the Higher Education Amendments of 1972, 20 U.S.C. § 1681 et seq. ("Title IX"), which prohibits discrimination on the basis of sex in education programs or activities, admission, and employment. Under certain circumstances, sexual harassment constitutes sexual discrimination prohibited by Title IX.

#### B. Policy

1. The American Massage and Bodywork Institute is committed to providing an environment that is free from harassment and discrimination based on any status protected by law. Accordingly, this Policy prohibits sex discrimination, which includes sexual harassment, sexual assault, sexual exploitation, domestic violence, dating violence, and stalking. This Policy also prohibits retaliation. This Policy supplements the following general policy statement set forth. This school promotes and maintains educational opportunities without regard to race, color, national origin, religion, disability, sex, sexual orientation, gender identity, ethnicity, marital status, pregnancy, childbirth or related medical conditions including lactation, age (except when age is a bona fide occupational qualification), veteran status, or other non-merit factors. This Policy also addresses the requirements under the Violence Against Women Reauthorization Act of 2013, (also known as the Campus Save Act), and Virginia law.

2. This Policy is not intended to substitute or supersede related criminal or civil law. Individuals are encouraged to report incidents of sexual and domestic violence, dating violence, and stalking to law enforcement authorities. Criminal and civil remedies are available in addition to the remedies that the school can provide.

#### C. Purpose

The purpose of this Policy is to establish that the school prohibits sexual harassment and retaliation, and to set forth procedures by which allegations of sexual harassment shall be reported, filed, investigated, and resolved.

#### D. Applicability

This Policy applies to prohibited conduct by or against students, faculty, staff, and third parties, e.g., contractors and visitors, involving a program or activity of the school in the United States. Conduct outside the jurisdiction of this Policy may be subject to discipline under a separate code of conduct or policy.

#### E. Definitions

1. Actual Knowledge. Actual knowledge means notice of sexual harassment or allegations of sexual harassment to a school's Title IX Coordinator [and/or any other official of the school who has authority to institute corrective measures on behalf of the school].

2. Advisor. An advisor is an individual assigned on a case-by-case basis who provides the complainant or respondent support, guidance, and advice. Advisors may be present at any meeting or live hearing but may not speak directly on behalf of the complainant or respondent, except to conduct cross examination during a live hearing. Advisors may be but are not required to be licensed attorneys.

3. Appeal Officer. The Appeal Officer is the designated employee (unless otherwise assigned) who reviews the complete record of the formal complaint and written statements of the parties during an appeal of a written determination. The Appeal Officer decides whether to grant the appeal and determines the result of the appeal.



4. Campus. Campus refers to

- any building or property owned or controlled by the school within the same reasonably contiguous geographic area of the school and used in direct support of, or in a manner related to, the school's educational purposes,
- any building or property that is within or reasonably contiguous to the area described in clause
- that is owned by the school but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

5. Complainant. A complainant is an individual who is alleged to be the victim of conduct that could constitute sexual harassment. A complainant may file a formal complaint against faculty, staff, students, or third parties.

6. Consent. Consent is knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. Silence does not necessarily constitute consent. Past consent to sexual activities, or a current or previous dating relationship, does not imply ongoing or future consent. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). An individual cannot consent who is under the age of legal consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred. Any sexual activity or sex act committed against one's will, by the use of force, threat, intimidation, or ruse, or through one's mental incapacity or physical helplessness is without consent.

a) Mental incapacity means the mental condition a person is in at the time of the alleged event, which prevents the person from understanding the nature or consequences of the sexual act involved (the who, what, when, where, why, and how) and about which the accused knew or should have known. This includes incapacitation by using drugs or alcohol. Intoxication is not synonymous with incapacitation.

b) Physical helplessness means unconsciousness or any other condition existing at the time which otherwise renders the person physically unable to communicate an unwillingness to act and about which the accused knew or should have known. Physical helplessness may be reached through the use of alcohol or drugs.

7. Cross-examination. Cross-examination is the opportunity for a party's advisor to ask questions of the other party and the other party's witnesses.

8. Cumulative Evidence. Cumulative evidence is additional evidence that has been introduced already on the same issue and is therefore unnecessary. The Hearing Officer has the discretion to exclude cumulative evidence.

9. Dating Violence. Dating violence is violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury committed by a person who is or has been in a close relationship of a romantic or intimate nature with the other person. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

10. Deliberate Indifference. Deliberate indifference refers to a response to sexual harassment that is clearly unreasonable in light of the known circumstances. The school's response may be deliberately indifferent if the response restricts the rights to the Freedom of Speech and Due Process under the First, Fifth, and Fourteenth Amendments of the U.S. Constitution.

11. Direct Examination. Direct examination is the questioning of a witness by a party who has called the witness to provide such testimony.

12. Domestic Violence. Domestic violence is violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member, which includes a current or former spouse, a person with whom the victim shares a child in common, or who is cohabitating with or has cohabitated with the person as a spouse or intimate partner.

13. Due Process. Due process is a right guaranteed by the Fifth and Fourteenth Amendments of the U.S. Constitution. Basic procedural due process guarantees that an individual receives notice of the matter pending that relates to the possible deprivation of a property or liberty interest and the opportunity to be heard. For example, students and employees facing suspension or expulsion/termination for disciplinary reasons due to alleged Sexual Harassment must be given notice of the allegations against them prior to any hearing or determination of responsibility. Any disciplinary process must be fair and impartial. Additionally, the opportunity to respond must be meaningful.

14. Education Program or Activity. An education program or activity encompasses all of the school's operations and includes locations, events, or circumstances over which the school exercises substantial control over both the respondent and the context in which the sexual harassment occurs. Examples of education programs or activities includes, but are not limited to, School-sponsored conferences, athletic events and sports teams, student organizations, and wi-fi network.

15. Exculpatory Evidence. Exculpatory evidence is evidence that shows, or tends to show, that a respondent is not responsible for some, or all of the conduct alleged in the notice of allegations. The school must provide the respondent with all exculpatory evidence.

16. Final Decision. A final decision is the written document that describes any sanctions imposed and remedies provided to the respondent and complainant, respectively, at the conclusion of the formal resolution process.

17. Formal Complaint. A formal complaint is a document filed and signed by a complainant or signed by the Title IX Coordinator that alleges sexual harassment against a respondent and requests the school to investigate the allegation of sexual harassment. The complainant must be participating in or attempting to participate in an education program or activity of the school when the formal complaint is filed. A complainant cannot file a formal complaint anonymously. The Title IX Coordinator may sign on a complainant's behalf in matters where it is in the best interest of the complainant or the school to do so. The school may consolidate formal complaints against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

18. Freedom of Speech. The freedom of speech is a right guaranteed by the First Amendment of the U.S. Constitution to express one's thoughts and views without unlawful governmental restrictions. As

governmental entities, Schools must not infringe on this right. This Policy expressly prohibits censorship of constitutionally protected expression.

19. Hearing Officer. A Hearing Officer is the presiding official of a live hearing who must issue a written determination on responsibility. Schools may choose to hold live hearings with a single Hearing Officer or by committee.

20. Inculpatory Evidence. Inculpatory evidence is evidence that shows, or tends to show, that a respondent is responsible for some, or all of the conduct alleged in the notice of allegations.

21. Preponderance of the Evidence. A preponderance of the evidence is evidence that shows that the fact sought to be proved is more probable than not to be true. A preponderance of the evidence means evidence that is of greater weight or more convincing than the evidence that supports the contrary position.

22. Relevance. Relevance refers to evidence that tends to prove or disprove whether the respondent is responsible for the alleged conduct. In determining whether a question is relevant, the Hearing Officer must focus on evidence pertinent to proving whether facts important to the allegations in the formal complaint are more or less likely to be true.

23. Remedies. Remedies are actions taken or accommodations provided to the complainant after a determination of responsibility for sexual harassment has been made against the respondent. Remedies are designed to restore or preserve equal access to the school's education program or activity. Remedies may be disciplinary or non-disciplinary.

24. Report of Sexual Harassment. A report of sexual harassment occurs when anyone reports an allegation of sexual harassment to the Title IX Coordinator, or one that reaches the Title IX Coordinator through a Responsible Employee. An individual need not be participating or attempting to participate in an education program or activity of the school to file a report. The respondent also does not need to be an employee, student, or otherwise affiliated with the school for a person to file a report against a respondent. A report of sexual harassment does not trigger an investigation or the formal or informal resolution process, but it does require the Title IX Coordinator to meet with the complainant and carry out the procedures described in Section S and/or T of this Policy, as applicable.

25. Respondent. A respondent is an individual who has been reported to have engaged in conduct that could constitute sexual harassment as defined under this Policy. In most cases, a respondent is a person enrolled or employed by the school or who has another affiliation or connection with the school. The school may dismiss a formal complaint when the school has little to no control over the respondent but will offer supportive measures to the complainant and set reasonable restrictions on an unaffiliated respondent when appropriate.

26. Responsible Employee. A Responsible Employee is an employee who has the authority to take action to redress sexual harassment; who has been given the duty to report sexual harassment to the Title IX Coordinator; or an employee a student could reasonably believe has such authority or duty. A Responsible Employee shall not be an employee who, in his or her position at the school, provides services to the campus community as a licensed health care professional, (or the administrative staff of a licensed health care professional), professional counselor, victim support personnel, clergy, or attorney.

27. Review Committee. A review committee is the committee consisting of three or more persons, including the Title IX Coordinator or designee, a representative of AASPAT or campus security, and a assigned designee, that is responsible for reviewing information related to acts of sexual violence.

28. Sex Discrimination. Sex discrimination is the unlawful treatment of another based on the individual's sex that excludes an individual from participation in, separates or denies the individual the benefits of, or otherwise adversely affects a term or condition of an individual's employment, education, or participation in an education program or activity. The school's treatment of a complainant or a respondent in response to a formal complaint of sexual harassment constitutes sex discrimination under Title IX when such response is deliberately indifferent.

29. Sexual Assault. Sexual assault is any sexual act directed against another person without consent or where the person is incapable of giving consent. Sexual assault includes intentionally touching, either directly or through clothing, the victim's genitals, breasts, thighs, or buttocks without the person's consent, as well as forcing someone to touch or fondle another against his or her will. Sexual assault includes sexual violence.

30. Sexual Exploitation. Sexual exploitation occurs when a person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of other sexual harassment offenses. Examples of sexual exploitation include prosecuting another person; non-consensual video or audiotaping of otherwise consensual sexual activity; going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex), and knowingly transmitting HIV or an STD to another.

31. Sexual Harassment. Sexual harassment means conduct on the basis of sex that satisfies one or more of the following:

a) Quid Pro Quo: The submission to or rejection of such conduct is used as the basis for educational or employment decisions affecting the student or employee either explicitly or implicitly.

b) Hostile Environment: Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an education program or activity of the school, including a student's educational experience or an employee's work performance; and

c) Clery Act/VAWA Offenses: Sexual assault/sexual violence, dating violence, domestic violence, and stalking, as defined by this Policy.

32. Sexual Violence. Sexual violence means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. Sexual violence includes rape and sexual assault.

33. Stalking. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others or suffer substantial emotional distress. Such conduct can occur in person or online, but the conduct must involve an education program or activity of the school.

34. Statement. A statement is a person's intent to make factual assertions, including evidence that contains a person's statement(s). Party or witness statements, police reports, Sexual Assault Nurse

Examiner (SANE) reports, medical reports, and other records may be considered by the Hearing Officer even if they were not subject to cross-examination at a live hearing.

35. Supportive Measures. Supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the school's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the campus environment, or to deter sexual harassment.

36. Third Party. A third party is any person who is not a student or employee of the school.

37. Title IX. Title IX means Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in any education program or activity receiving federal financial assistance.

38. Title IX Coordinator. The Title IX Coordinator is the employee or employees designated and authorized to coordinate the school's efforts to comply with its responsibilities under Title IX.

39. Workday. A workday is any day that the school is open for business. Workdays include days when classes are not held, but when employees are expected to be at work.

40. Written Determination. A written determination is the written decision by a Hearing Officer that a respondent is responsible or not responsible for a violation of this Policy by a preponderance of the evidence after a live hearing. A written determination also is the result of an appeal decided by an Appeal Officer.

#### F. Retaliation

1. No person may intimidate, threaten, coerce, harass, discriminate, or take any other adverse action against any other person for the purpose of interfering with any right or privilege provided by this Policy, or because the person has made a report or filed a formal complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, live hearing, or any other process described in this Policy.

2. Action is generally deemed adverse if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy.

3. Allegations of retaliation that do not involve sex discrimination or sexual harassment but are related to a report or formal complaint of sexual harassment for the purpose of interfering with any right or privilege provided by this Policy constitutes retaliation.

4. Allegations of retaliation will be investigated and adjudicated as a separate code of conduct violation. Any person found responsible for retaliating against another person is subject to disciplinary and/ or other action independent of the sanctions or interim measures imposed in response to the underlying allegations of violations of this Policy.

#### G. Reporting Incidents of Sexual Harassment

1. Members of the campus community who believe they have been victims of crimes may report the incident to AASPAT or local police. All emergencies or any incident where someone is in imminent danger should be reported immediately to local police by dialing 911.

2. Whether or not a report is made to law enforcement, any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by reporting such conduct to a Responsible Employee to ensure that the Title IX Coordinator receives the verbal or written report. The Title IX Coordinator is solely responsible for overseeing the prompt, fair, and impartial investigation and resolution of reports and formal complaints filed with the school.

**American Massage and Bodywork Institute Title IX School Resources Coordinator:**

Deputy Title IX Coordinator: Phyllis Myers

3. During non-business hours, members of the campus community should report alleged violations to [admin@ambimassageschool.com](mailto:admin@ambimassageschool.com) or 571-620-7170

**H. Confidentiality and Anonymous Reports**

1. Individuals may be concerned about their privacy when they report a possible violation of this Policy. The School must keep confidential the identity of any individual who has made a report or formal complaint of sexual harassment; any complainant or any individual who has been reported to be the perpetrator of sexual harassment; and any witness related to a report or formal complaint of sexual harassment, except as may be permitted by the Family Educational Rights and Privacy Act (FERPA), or as otherwise required by law, or to carry out the purposes of this Policy, including the conduct of any investigation, live hearing, or judicial proceeding arising from any report or formal complaint.

2. The School has a responsibility to respond to conduct that violates this Policy. For this reason, most School employees may not keep secret a report of sexual harassment. AMBI expects employees to treat information they learn concerning incidents of reported violations of this Policy with respect and as confidential as possible. School employees must share such information only with those School and law enforcement officials who must be informed of the information pursuant to this Policy.

3. Responsible Employees must report all alleged violations of this Policy obtained in the course of their employment to the Title IX Coordinator as soon as practicable after addressing the immediate needs of the complainant. Other school employees have a duty to report sexual assault, domestic violence, dating violence, and stalking for federal statistical reporting purposes (Authorized Administrative Safety Personnel & Advisory Team (AASPAT) under the Clery Act). AASPAT's may include student conduct affairs personnel, student activities staff, human resources staff, and advisors to student organizations. All employees must report suspected child abuse or neglect to the Title IX Coordinator as soon as practicable, but no later than 24 hours after forming such suspicion.

4. If a complainant wishes to keep the report of sexual harassment completely confidential, it is recommended that they report the alleged conduct to someone without a duty to report incidents

of sexual harassment to the Title IX Coordinator. Full-time employees also may contact the Employee Assistance Program. If the complainant requests that the complainant's identity is not released to anyone else, the school's response may be limited to providing supportive measures, if appropriate and reasonably available. When supportive measures are provided, the school will protect the privacy of the complainant to the extent possible while still providing the supportive measures.

5. The School may pursue the formal resolution process even if the complainant requests the school to take no action. The Title IX Coordinator will notify the complainant in writing within five (5) workdays of the decision to pursue the formal resolution process when they are unable to maintain confidentiality or respect the complainant's request for no further action. The Title IX Coordinator will give the complainant's wishes due consideration.

6. The School will accept anonymous reports, but its response may be limited to providing supportive measures if appropriate and reasonably available. The Title IX Coordinator (or AASPAT) will conduct a preliminary investigation in an effort to determine the respondent's identity. If the preliminary investigation fails to reveal the identity of the respondent, the Title IX Coordinator shall close the report because the school must have sufficient information to conduct a meaningful and fair investigation. If the identity of the respondent is revealed, the Title IX Coordinator shall proceed as otherwise provided in this Policy. The Title IX Coordinator will notify the complainant in writing of the result of the preliminary investigation promptly after the preliminary investigation.

#### I. Immunity

The school encourages the reporting of incidents that violate this Policy. The use of alcohol or drugs should not be a deterrent to reporting a possible incident of sexual harassment. When conducting the investigation, the school's primary focus will be on addressing the alleged sexual harassment and not on alcohol and drug violations that may be discovered or disclosed. The school does not condone underage drinking or the use of illicit drugs; however, the school will grant immunity from disciplinary action based on the personal consumption of alcohol or drugs to individuals who report incidents that violate this Policy, provided that such report is made in good faith. The school may provide referrals to counseling and may require educational options, rather than disciplinary sanctions, in such cases.

#### J. Warnings

The school is required by federal law to issue timely warnings for reported incidents that pose a substantial threat of bodily harm or danger to members of the campus community. The school will ensure, to the extent possible, that an alleged victim's name and other identifying information is not disclosed, while still providing enough information for members of the campus community to make decisions to address their own safety in light of the potential danger.

#### K. Interim Measures

1. Immediate Suspension. Prior to the resolution of a formal complaint, the school may immediately suspend the respondent from an education program or activity when it determines that the

respondent's continued presence poses an immediate threat to the physical health or safety of any person arising from the allegations of sexual harassment. Prior to such suspension, the school will conduct an individualized safety and risk analysis, focusing on the particular respondent and the specific facts and circumstances arising from the allegations of sexual harassment that justify the suspension. The school shall notify the respondent in writing of the specific facts and circumstances that make the immediate suspension necessary and reasonable and shall give the respondent the opportunity to challenge the decision immediately following the suspension.

2. Administrative Leave. The school may place a respondent employee on administrative leave prior to the resolution of a formal complaint. Reasons to place an employee on administrative leave include but are not limited to, the continued presence of the employee may be harmful to the employee or other employees; may hamper an investigation into the employee's alleged conduct; or may disrupt the work environment.

3. Mutual No Contact Order. The school may impose a "no contact" order on each party, requiring the parties to refrain from having contact with one another, directly or through proxies, whether in person or by electronic means. The school also will enforce orders of protection issued by courts on all School property to the extent possible.

#### L. Supportive Measures

1. The School will offer supportive measures to individuals whether or not a formal complaint has been filed, or whether the alleged incident is under investigation by a law enforcement agency. All requests for supportive measures will be provided if appropriate and reasonably available.

2. Supportive measures may include, but are not limited to:

- course schedule adjustments
- reassignment of duty,
- leaves of absence,
- alternative parking arrangements,
- rescheduling class work, assignments, and examinations;
- allowing alternative class or work arrangements, such as independent study or teleworking;
- escort services, increased security and monitoring of certain areas of the campus,

\*Provisions of supportive measures to either party will be kept confidential to the extent possible.

#### M. Procedures to follow after an Incident

Anyone who has experienced an incident of sexual harassment as defined by this Policy should take the following action:

1. Find a safe place away from harm.
2. Call 911.
3. Call an AASPAT, a family member, or someone else you trust and ask her or him to stay with you.



4. You should take the following steps to preserve any physical evidence because it will be necessary to prove criminal domestic violence, dating violence, sexual assault, or stalking, or to obtain a protective order:

- a) Do not wash your hands, bathe, or douche. Do not urinate, if possible.
- b) Do not eat, blow your nose, drink liquids, smoke, or brush your teeth if the incident involved oral contact.
- c) Keep the clothing worn when the incident occurred. If you change clothing, place the worn clothing in a paper bag.
- d) Do not destroy any physical evidence that may be found in the vicinity of the incident by cleaning or straightening the location of the crime until law enforcement officials have had an opportunity to collect evidence.
- e) Tell someone all the details you remember or write them down as soon as possible.
- f) Maintain text messages, pictures, online postings, video, and other documentary or electronic evidence that may corroborate a formal complaint.

5. Go to the nearest medical facility/emergency room. It is important to seek appropriate medical attention to ensure your health and well-being, as well as to preserve any physical evidence.

6. If you suspect that you may have been given a drug, ask the hospital or clinic where you receive medical care to take a urine sample. The urine sample should be preserved as evidence. "Rape drugs," such as Rohypnol and GHB, are more likely to be detected in urine than in blood.

7. For professional and confidential counseling support, call the Virginia Family Violence & Sexual Assault Hotline at 1-800-838-8238. Help is available 24 hours a day.

#### N. Support Services

1. All students and employees will receive information in writing of available counseling, health, mental health, victim advocacy, legal assistance, and other services available in the community and on campus.

2. For information about available resources, contact Phyllis Myers @ [pmyers@ambi.edu](mailto:pmyers@ambi.edu) or 240-499-6090

#### O. Education and Awareness Program

1. The School conducts a program to educate students and employees about this Policy and its procedures. The education and awareness program are designed to promote awareness of sexual assault, domestic violence, dating violence, and stalking.

2. The program, at a minimum, shall include:

a) A statement that the school prohibits sexual harassment, including sexual assault, domestic violence, dating violence, and stalking;

- b) The definition of sexual harassment, including sexual assault, domestic violence, dating violence, and stalking;
- c) The definition of consent;
- d) Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of sexual assault, domestic violence, dating violence, or stalking against a person other than such individual;
- e) Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;
- f) Information on possible sanctions, procedures to follow after an incident of sexual assault, domestic violence, dating violence or stalking, disciplinary procedures, and the protection of confidentiality; and
- g) Written notification about available resources and services and supportive measures available if appropriate and reasonably available.

3. The School offers the prevention and awareness program to all new and existing students and employees.

#### P. Academic Freedom and Freedom of Speech

1. This Policy does not allow censorship of constitutionally protected expression. As a "marketplace of ideas," the school encourages intellectual inquiry and recognizes that such inquiry may result in intellectual disagreements. Verbal or written communications constitute sexual harassment only when such communications are sufficiently severe, pervasive, and objectively offensive that they undermine and detract from a student's educational experience or an employee's work performance. Verbal or written communications, without accompanying unwanted sexual physical contact, does not constitute sexual assault.

2. In addressing all complaints and reports of alleged violations of this Policy, the School will take actions to comply with this Policy that recognize and ensure the free speech rights of students and employees. This Policy does not apply to curricula, curricular materials, or abridge the use of any textbooks.

#### Q. False Statements

The school prohibits knowingly making false statements or knowingly submitting false information. Any individual who knowingly files a false report or formal complaint, who knowingly provides false information to school officials, or who intentionally misleads school officials who are involved in the investigation or resolution of a report or formal complaint may be subject to disciplinary action, up to and including dismissal for students and termination of employment for faculty and staff. An allegation that cannot be proven by a preponderance of the evidence is insufficient evidence of a knowing false statement.

#### R. Consensual Relationships

consenting romantic or sexual relationships between employees and students for whom the employee has a direct professional responsibility are prohibited. Consenting romantic or

sexual relationships between employees where one employee has a direct professional responsibility to the other also are prohibited. Romantic or sexual relationships between other employees (not in a supervisory position), or with students for whom the employee does not have a direct professional responsibility, although not expressly prohibited, are unwise and strongly discouraged. The relationship may be viewed in different ways by each of the parties, in retrospect. Additionally, circumstances may change and conduct that was previously welcome may become unwelcome.

#### S. Handling Reports of Sexual Violence

1. The Title IX Coordinator will assist members of the campus community in reporting incidents of sexual violence to law enforcement authorities upon request. When allowable under Virginia law, the Title IX Coordinator will request the consent of the complainant (or alleged victim if different from the complainant) to report incidents of alleged sexual violence that occur on campus property to law enforcement.

2. Under Virginia law, the school may determine that the disclosure of information to local law enforcement regarding the alleged incident of sexual violence, including personally identifiable information, is necessary to protect the health or safety of the complainant or other individuals. The school also is required to notify the local Commonwealth's Attorney (or other prosecutor responsible for prosecuting the alleged act of sexual violence) when the alleged incident of sexual violence constitutes a felony.

3. Upon receiving a report of an alleged act of sexual violence as defined in this Policy against a student or one that allegedly occurred on property owned or controlled by the School or on public property within the campus, or immediately adjacent to and accessible from the campus, the Title IX Coordinator shall convene the School's review committee within 72 hours to review the information reported and any information obtained through law enforcement records, criminal history record information, health records, conduct or personnel records, and any other facts and circumstances, including personally identifiable information, related to the alleged incident known to the review committee. The review committee may try to reach a consensus, but it is the law enforcement representative of the review committee that ultimately determines whether the disclosure of the information, including the personally identifiable information, is necessary to protect the health or safety of the alleged victim or other individuals. The school shall disclose such information to the law enforcement agency that would be responsible for investigating the alleged incident immediately. The Title IX Coordinator will notify the alleged victim in writing that such disclosure is being made.

4. If the report of an alleged act of sexual violence would constitute a felony, within 24 hours of the first review committee meeting, the law enforcement representative of the review committee shall notify the local Commonwealth's Attorney (or other prosecutor responsible for prosecuting the alleged act of sexual violence) and disclose the information received by the review committee, including personally identifiable information, if such information was disclosed pursuant to Section S2. The law enforcement representative usually will make this disclosure; however, any member of the review committee may decide independently that such disclosure is required under state law and within 24 hours of the first review team meeting shall disclose the information to the local Commonwealth's Attorney (or other prosecutor responsible for prosecuting the alleged act of sexual violence), including personally identifiable information, if such information was disclosed pursuant to

Section S2. If the Title IX Coordinator is aware of such disclosure, the Title IX Coordinator will notify the alleged victim in writing that such disclosure is being made.

5. Law enforcement will notify the local Commonwealth's Attorney within 48 hours of beginning an investigation involving a felonious act of sexual violence. Either AASPAT, the local law enforcement agency, or the State Police will notify the Commonwealth's Attorney pursuant to an MAA/MOU.

6. In addition to the procedures described in this Section, the school must follow the procedures described in Section T following a report of sexual violence.

#### T. Handling Reports of Sexual Harassment

1. Upon receiving actual knowledge of sexual harassment in an education program or activity of the school against a person in the United States, the School must respond promptly in a manner that is not deliberately indifferent. The school will treat complainants and respondents equitably by offering supportive measures and by completing either a formal or informal resolution process before imposing any disciplinary sanctions or other corrective actions that are not supportive measures against a respondent. The Title IX Coordinator shall promptly provide a written notification of rights and options to complainants and respondents upon receipt of a report of sexual harassment. The written notification must include, where applicable:

- a) The available law enforcement options for investigation and prosecution;
- b) The importance of collection and preservation of evidence;
- c) The available options for a protective order;
- d) The available options for investigation and resolution under the school's policies, including the complainant's option to file a formal complaint;
- e) The party's right to participate or decline to participate in any investigation to the extent permitted under state or federal law;
- f) The applicable federal or state confidentiality provisions that govern information provided by a complainant;
- g) Information on contacting available on-campus resources and community resources, including the local sexual assault crisis centers, domestic violence crisis centers, victim support services with which the school has entered into a memorandum of understanding, or other support services;
- h) The importance of seeking appropriate medical attention;
- i) Discuss the School's obligation to disclose information about the report, including personally identifiable information, to campus/local law enforcement or to the local Commonwealth's Attorney, or both, if the review team determines that such disclosure is necessary to protect the health or safety of the complainant or others;
- j) The possible interim measures that may be imposed when necessary, during the pendency of the investigative or resolution process;

k) The supportive measures available with or without filing a formal complaint when appropriate and reasonably available; and

l) An explanation to the complainant of the process for filing a formal complaint, including providing the complainant with a Formal Complaint Form, when applicable.

2. The Title IX Coordinator must consider the complainant's wishes with respect to supportive measures.

3. After providing the information described in Section T1, the Title IX Coordinator must close the report under this Policy if the conduct alleged in the report would not constitute sexual harassment as defined by this Policy, even if proved, or is outside the jurisdiction of the School, i.e., the conduct did not occur on campus or involve an education program or activity of the School, or the complainant decides against filing a formal complaint and the School honors the request. The Title IX Coordinator will notify the parties simultaneously in writing with the rationale for the decision to close the report.

4. The Title IX Coordinator shall forward the report to the appropriate School official that will determine whether the conduct alleged in the report violates a separate policy or code of conduct.

5. The Title IX Coordinator will document the action(s) taken and the rationale for such action(s).

#### U. Resolution of Formal Complaints

1. The School's Responsibility. The school must provide a prompt, fair, and impartial investigation, and resolution of alleged violations of this Policy. When resolving a formal complaint, the school will evaluate all relevant evidence objectively, including both inculpatory and exculpatory evidence, and will make credibility determinations without reference to a person's status as a complainant, respondent, or witness. The school will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. Finally, at all times prior to a determination of responsibility, the respondent will be presumed not responsible for the alleged conduct. The imposition of interim measures does not constitute a presumption of responsibility.

2. Resolution Process Options. The school may resolve formal complaints either by a formal or informal resolution process.

3. Suspending an Investigation. The school will comply with all requests for cooperation by the AASPAT or local law enforcement in investigations. The school may be required to suspend the Title IX investigation while the AASPAT or local law enforcement agency gathers evidence. The school will resume its Title IX investigation as soon as the AASPAT or local law enforcement agency has completed its gathering of evidence. Otherwise, the School's investigation will not be precluded or

suspended on the grounds that criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

4. Time Frame for Resolution of Formal Complaint. The resolution of any alleged violation of this Policy should be completed normally within seventy-five (75) workdays of the filing of the formal complaint, unless good cause exists to extend the timeframe. For resolving formal complaints, good cause includes but is not limited to the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; the need for language assistance or accommodation of disabilities; or unavoidable scheduling conflicts. The 75-workday timeframe refers to the entire formal resolution process, which includes the initial determination, investigation, live hearing, determination of responsibility, and the imposition of sanctions and provision of remedies, if any. The 75-workday timeframe does not include appeals. If any step of the process must be suspended or delayed for any reason and more time is necessary, the Title IX Coordinator will notify the parties in writing and give the reason for the delay and an estimated length of the delay.

## V. Formal Resolution Process

1. Formal Complaint Form. To initiate the formal resolution process, complainants must complete the Formal Complaint Form or other written and signed document that requests an investigation and submit it to the Title IX Coordinator. The Title IX Coordinator may sign a formal complaint after due consideration of the complainant's wishes. In determining whether to sign a formal complaint, the Title IX Coordinator will consider the following factors:

- a) The seriousness of the allegation(s), including whether the allegation(s) include bodily injury, threats, or the use of weapons;
- b) Whether there have been other similar complaints of against the same respondent; and
- c) The applicability of any laws mandating disclosure.

2. Notice of Allegations to the Parties. After receiving a formal complaint and as soon as practicable, the Title IX Coordinator will contact the parties to schedule an initial meeting. The correspondence must include the following information:

- a) A copy of the School's Title IX Policy against sexual harassment, including the process by which the school resolves allegations of sexual harassment;
- b) Notice of the allegation(s), including sufficient details known at the time and with sufficient time to prepare a response before the initial meeting. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known;
- c) Notice that each party may be accompanied by an advisor of their choice at all meetings and the live hearing who may be, but is not required to be, an attorney, and that each party and advisor will have the opportunity to inspect and review evidence;

d) A statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the formal or informal resolution process;

e) A statement that each party must notify the Title IX Coordinator in writing within five (5) workdays if they believe that the Title IX Coordinator has a conflict of interest or bias against the party; and

f) A statement that the school prohibits knowingly making false statements or knowingly submitting false information during the resolution of a formal complaint, in accordance with Section Q of this Policy.

3. Complainant's Initial Meeting with the Title IX Coordinator. At this meeting, the Title IX Coordinator will:

a) Determine whether an informal resolution is permissible, and whether the complainant wishes to pursue a resolution (formal or informal) through the school or no resolution of any kind;

b) Explain avenues for formal resolution and informal resolution of the formal complaint;

c) Explain that if the complainant chooses an informal resolution, that the complainant may withdraw from the informal resolution process at any time prior to the conclusion of the informal resolution process and pursue a formal resolution process, but may not do so after the conclusion of the informal resolution process;

d) Explain that records related to the informal resolution process will be maintained for a period of seven (7) years and be made part of the record if a formal resolution process is pursued;

e) Explain the investigative process, including the right to discuss the allegations under investigation or to gather and present relevant evidence;

f) Discuss confidentiality standards and concerns with the complainant;

g) Discuss non-retaliation requirements;

h) Refer the complainant to campus and community resources, including the local sexual assault crisis center, domestic violence crisis center, victim support service with which the school has entered into a memorandum of understanding, or other appropriate support services;

i) Inform the complainant of any interim measures that will be imposed and any supportive measures that will be provided to the complainant during the pendency of the investigative and resolution processes;

j) Discuss the right to a prompt, fair, and impartial resolution of the formal complaint; and,

k) Answer questions about the Policy and procedures.

4. Respondent's Initial Meeting with the Title IX Coordinator. During this meeting with the respondent, the Title IX Coordinator will:

a) Determine whether an informal resolution is permissible, and whether the respondent wishes to pursue an informal resolution;

b) Explain avenues for formal resolution and informal resolution of the formal complaint;

c) Explain that if the respondent chooses an informal resolution, that the respondent may withdraw from the informal resolution process at any time prior to the conclusion of the informal resolution process and pursue a formal resolution process, but may not do so after the conclusion of the informal resolution process;

d) Explain that records related to the informal resolution process will be maintained for a period of seven (7) years and be made part of the record if a formal resolution process is pursued;

e) Explain the investigative process, including the right to discuss the allegations under investigation or to gather and present relevant evidence;

f) Discuss confidentiality standards and concerns with the respondent;

g) Discuss non-retaliation requirements;

h) Inform the respondent of any interim measures that will be imposed and any supportive measures that will be provided to the respondent during the pendency of the investigative and resolution processes;

i) Refer the respondent to campus and community resources, as appropriate;

j) Discuss the respondent's the right to due process and a prompt, fair, and impartial resolution of the formal complaint;

k) If the respondent is a student and the formal complaint involves an alleged act of sexual violence as defined in this Policy, explain to the respondent that the School will include a notation on the academic transcript if the respondent is suspended or dismissed after being found responsible, or if the respondent withdraws while under investigation, that the investigation may continue in the respondent's absence, if possible, while being afforded notice of all meetings and the live hearing, if applicable, and an opportunity to inspect, review, and respond to all the evidence; and

l) Answer questions about the Policy and procedures.

5. Title IX Coordinator's Initial Determination.

a) The Title IX Coordinator shall investigate the allegations in all formal complaints. The Title IX Coordinator must dismiss the formal complaint if the conduct alleged in the formal complaint would not constitute sexual harassment as defined in this Policy even if proved, or is outside the jurisdiction of the school, i.e., the conduct did not involve an education program or activity of the school or did not occur against a person in the United States. The Title IX Coordinator shall forward the formal complaint to an appropriate School official that will determine whether the conduct alleged in the formal complaint violates a separate policy or code of conduct.



b) The Title IX Coordinator may dismiss the formal complaint if

(i) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any of its allegations and the Title IX Coordinator determines that the school will honor the request;

(ii) the respondent is no longer enrolled or employed at the school, or cannot be identified; or

(iii) specific circumstances prevent the school from gathering sufficient evidence to determine whether the respondent is responsible for the conduct alleged in the formal complaint. If a complainant requests to withdraw a formal complaint, the Title IX Coordinator will consider the factors listed in Section V1.

c) If the Title IX Coordinator dismisses the formal complaint, they will send written notice of the dismissal with specific reason(s) for the dismissal to the parties, simultaneously, within five (5) workdays of completing the initial meetings. This decision may be appealed.

#### 6. Appointment of the Investigator and Conduct of the Investigation.

a) Appointment of Investigator. After an initial determination to continue the formal resolution process or after failed informal resolution process, the Title IX Coordinator will appoint an investigator within five (5) workdays of completing the initial meetings. The Title IX Coordinator will provide the investigator's name and contact information to the complainant and respondent and will forward the formal complaint to the investigator. Within five (5) workdays of such appointment, the investigator, the complainant, or the respondent may identify to the Title IX Coordinator in writing any potential conflict of interest or bias of the appointed investigator. The Title IX Coordinator will consider such information and will appoint a different investigator if it is determined that a material conflict of interest or bias exists.

b) Contacting the Parties. The investigator will contact the complainant and respondent promptly. In most cases, this should occur within ten (10) workdays from the date of the investigator's appointment. The investigator will schedule meetings with the parties. The parties may provide supporting documents, evidence, and recommendations of witnesses, including character and expert witnesses, to be interviewed for the investigation. Each party may have one advisor present during any meeting with the investigator; however, the advisor may not speak on the party's behalf.

c) Weighing of Evidence. As part of the investigation, the investigator must weigh the credibility and demeanor of the complainant, respondent, and witnesses, and ensure that credibility determinations are not based on a person's status as a complainant, respondent, or witness, the logic and consistency of the evidence, motives, and any inculpatory and exculpatory evidence.

d) Withdrawal of a Student During an Investigation. The withdrawal of a student from the school while under investigation for an alleged act of sexual violence as defined by this Policy in most cases will not end the school's investigation and resolution of the complaint. The school shall continue the investigation, if possible, as set forth under this Policy. The school shall notify the student in writing of the investigation and afford the student the opportunity to provide evidence, to inspect,

review, and respond to all the evidence and the written investigative report prior to making a determination on responsibility.

(i) Upon the student's withdrawal, the school shall place a notation on the student's academic transcript that states, "Withdrew while under investigation for a violation of American Massage and Bodywork Institute's Title IX Policy." After the School has completed its investigation and resolution of the complaint, the school shall either

(a) remove the notation if the student is found not responsible or

(b) change the notation to reflect either a suspension or dismissal for a violation of the Policy if either was imposed.

(ii) The school shall end the investigation and resolution of the complaint if the school cannot locate the respondent and provide them notice and the opportunity to respond. In such cases, the school shall maintain the withdrawal notation on the student's academic transcript. Upon a final determination, the Title IX Coordinator immediately shall notify the Campus Coordinator and direct that the appropriate notation is made.

e) Inspection and Review of the Evidence. The parties will have the opportunity to inspect, review, and respond to all the evidence obtained during the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the School does not intend to rely in reaching a determination of responsibility and inculpatory or exculpatory evidence, whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. The investigator will send each party and each party's advisor, if any, a copy of the evidence subject to review. The parties will have ten (10) workdays to submit a written response to the evidence and the option to submit additional evidence, which the investigator will consider prior to the completion of the investigative report. Neither the parties nor their advisors may disseminate any of the evidence subject to inspection and review or use such evidence for any purpose unrelated to the Title IX formal resolution process. Nevertheless, the School will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

f) Investigative Report.

The investigator will complete an investigative report that fairly summarizes relevant evidence, including but not limited to, all interviews conducted, photographs, descriptions of relevant evidence, the rationale for credibility determinations, summaries of relevant records, and a detailed report of the events in question. The investigative report shall include the following information to the extent possible:

- (i) The name of the complainant and, if different, the name of the person reporting the allegation;
- (ii) The names of all persons alleged to have committed the alleged violation;
- (iii) A statement of the allegation, a description of the incident(s), and the date(s) and time(s) (if known) of the alleged incident(s);
- (iv) The dates of the report and formal complaint were filed;
- (v) The dates the parties were interviewed;
- (vi) The names and of all known witnesses to the alleged incident(s);

- (vii) The dates that any relevant documentary evidence (including cell phone and other records as appropriate) was obtained;
- (viii) Any written statements of the complainant or the alleged victim if different from the complainant; and
- (ix) The date on which the school deferred its investigation and disciplinary process because the complainant filed a law enforcement complaint and the date on which the school resumed its investigation and disciplinary process, if applicable.

g) Submission of the Investigative Report.

The investigator will submit the investigative report to the Title IX Coordinator, who will send the investigative report to the parties and the parties' advisors, if any, simultaneously for review and written response as soon as possible, but no later than five (5) workdays after receiving the investigative report from the investigator. The parties will have ten (10) workdays to submit a written response to the investigative report to the Title IX Coordinator. The Title IX Coordinator will not consider the parties' written responses but will ensure that such statements are added to the record. Neither the parties nor their advisors may disseminate the investigative report or use such report for any purpose unrelated to the Title IX formal or informal resolution process.

W. Conduct of Live Hearing

1. The Title IX Coordinator will appoint a Hearing Officer within ten (10) workdays after sending the investigative report to the parties and their advisors, if any. Within five (5) workdays after the appointment, the Hearing Officer will contact the parties to schedule a live hearing. The parties have five (5) workdays after being contacted by the Hearing Officer to notify the Title IX Coordinator in writing of any potential conflict of interest or bias of the Hearing Officer. The Title IX Coordinator will consider such information and will appoint a different Hearing Officer if the Title IX Coordinator determines that a material conflict of interest or bias exists. When the date, time, and place of the live hearing is confirmed, the Hearing Officer will notify the parties in writing simultaneously of the date, time, and place of the live hearing.

2. No later than fifteen (15) workdays before the live hearing, each party must notify the Hearing Officer and the other party of:

- a) the name and contact information of the advisor, if new, or notification that a party does not have an advisor available for the hearing, if applicable;
- b) the names and contact information of witnesses that will be called at the live hearing and the purpose of their testimony at the live hearing;
- c) whether a party intends to be subjected to cross-examination;
- d) a description of documents or other evidence and the purpose of such evidence that will be used at the live hearing;
- e) the specific remedy requested; and,
- f) whether a party requests that the live hearing occurs with the parties located in separate rooms with technology that enables the Hearing Officer and the parties to see and hear the

party or the witness answering questions simultaneously. Only one party is required to make the request for separate rooms.

3. The Hearing Officer will notify the Title IX Coordinator promptly that the School must appoint an advisor for a party when notified of the need for an advisor. The Title IX Coordinator will appoint the advisor promptly, but no later than ten (10) workdays prior to the live hearing. If a party appears at a live hearing without an advisor, the Hearing Officer shall delay the start of the live hearing until an advisor is available.

4. The Hearing Officer shall ensure that all evidence obtained during the investigation is made available to the parties at the live hearing.

5. Rules of the Live Hearing.

a) Evidence. The formal rules of evidence will not be applied except to determine whether the evidence or question presented is relevant or cumulative.

(i) Either party may call character or expert witnesses.

(ii) Questions and evidence about a party's sexual predisposition or prior sexual behavior are not relevant, unless:

(a) such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or

(b) the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

(iii) If the evidence or witness testimony is, on its face, not relevant or is cumulative, the Hearing Officer may exclude such evidence or witness statement(s), with the rationale for the decision in the pre-hearing determination. The parties may object in writing to such determination within five (5) workdays of the determination. The Hearing Officer shall rule on the objection within five (5) workdays of receipt of the objection.

b) Standard of Evidence. The live hearing will determine responsibility using the preponderance of the evidence standard.

c) Participation of Parties and Witnesses. Neither party may choose to waive the right to a live hearing, but parties and witnesses may choose whether to participate in the live hearing or submit to cross-examination.

d) Recording or Transcript. The Hearing Officer will arrange for the live hearing to be recorded. Each party will receive a copy of the recorded live hearing upon request. Parties may prepare a transcript of the recording at their own expense. Neither the parties nor their advisors may disseminate the record or transcript or use such record or transcript for any purpose unrelated to the Title IX formal resolution process or related civil proceeding.

e) Opening Statements and Closing Arguments. At the sole discretion of the Hearing Officer, the parties may make opening and/or closing statements at the live hearing. The Hearing Officer will determine the time that is allotted for each.

f) Pre-Hearing Determinations. No later than ten (10) workdays prior to the live hearing, the Hearing Officer shall decide

(i) whether to exclude any of the proposed evidence or witnesses, and the basis upon which such evidence or witness is excluded; and

(ii) whether to allow opening statements and closing arguments and the time allotted for both.

g) Rules of Conduct During the Live Hearing. All live hearings will be closed to the public and witnesses will be present only during their testimony. For live hearings that use technology, the Hearing Officer shall ensure that appropriate protections are in place to maintain confidentiality.

(i) The school will require all parties, advisors, and witnesses to maintain appropriate decorum throughout the live hearing. Participants at the live hearing are expected to abide by the Hearing Officer's directions and determinations, maintain civility, and avoid emotional outbursts and raised voices.

(ii) Repeated violations of appropriate decorum will result in a break in the live hearing, the length of which shall be determined by the Hearing Officer. The Hearing Officer reserves the right in their sole discretion to appoint a different advisor to conduct cross-examination on behalf of a party after repeated violations of appropriate decorum or other rules related to the conduct of the live hearing.

#### 6. Role of the Advisor.

a) The role of the advisor at the live hearing is to conduct cross-examination on behalf of a party. The advisor is not to "represent" a party, but only to relay the party's cross examination questions that the party wishes to have asked of the other party and witnesses so that parties never personally question or confront each other during a live hearing. A party shall not conduct cross-examination on their own behalf.

b) Each party may retain an attorney at their expense or designate a non-attorney advisor to accompany them at the live hearing. The advisor may provide advice and consultation to the parties or the parties' witnesses outside of the conduct of the live hearing to assist parties in handling the formal resolution process.

c) A party's advisor must conduct cross-examination at the live hearing directly, orally, and in real time. Only relevant cross-examination questions and follow-up questions, including those that challenge credibility, may be asked. Advisors may not raise objections or make statements or arguments during the live hearing.

d) The school shall appoint an advisor for the live hearing at no cost to a party when the party does not have an advisor. The appointed advisor may be but is not required to be a licensed

attorney or anyone with formal legal training. Advisors may be faculty, staff, students, or volunteers from the local community.

#### 7. Role of the Hearing Officer.

a) The role of the Hearing Officer is to preside over the live hearing in a fair and impartial manner. After the live hearing, the Hearing Officer must issue a written determination regarding responsibility using the preponderance of evidence standard. The Hearing Officer will be the final decision-maker on all matters of procedure during the live hearing.

b) Before a complainant, respondent, or witness answers a cross-examination or other question, the Hearing Officer first must determine whether the question is relevant or cumulative; and explain any decision to exclude a question that is not relevant or is cumulative.

c) The Hearing Officer may question the parties and witnesses, but they may refuse to respond.

d) The Hearing Officer may consider any relevant and reliable evidence, including statements of a party or witness, even if such party or witness does not submit to cross-examination at the live hearing. The Hearing Officer must first consider the reliability of any the statement. Factors to consider include, but are not limited to:

- whether a party or witness commented on or challenged the statement prior to the live hearing,
- whether the statement is a rumor, or something of which the party or witness does not have first-hand knowledge, and
- whether the person who made the statement has a motive or a conflict of interest that can be demonstrated through other evidence.

The level of reliability will determine the amount of weight the Hearing Officer will give to the statement when reaching a determination regarding responsibility. Additionally, the Hearing Officer must not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

e) Within ten (10) workdays after the live hearing, or with good cause shown as soon as possible, the Hearing Officer will submit a written determination to the Title IX Coordinator. The Hearing Officer must make a finding of responsibility or no responsibility for each allegation and describe the rationale for the finding based on an objective evaluation of the evidence presented at the live hearing. The written determination shall include the following:

(i) Identification of the allegations potentially constituting sexual harassment defined under this Policy;

(ii) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and live hearings held. The description of the procedural steps also should include who performed the investigation and the process taken to inspect and review the evidence and disseminate the investigative report, including the adherence to mandated procedural timelines;

(iii) Findings of fact supporting the determination;

(iv) Conclusions regarding the application of this Policy to the facts;

(v) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any range of disciplinary sanction(s) to be imposed on the respondent, and whether remedies designed to restore or preserve equal access to the school's education program or activity will be provided to the complainant.

(vi) When applicable, a statement that a notation will be placed on the academic transcript that the respondent was suspended or dismissed for a violation of the School's Title IX Policy.

(vii) When applicable, a statement that the respondent may request the expungement of the notation on the academic transcript for good cause shown and after a period of three years

(viii) The school's procedures and permissible bases for the complainant and the respondent to appeal. If the complainant or respondent does not contest the finding or recommended sanction(s) and/or remedies and does not file an appeal within the required timeframe, the written determination shall be final.

#### X. Actions Following the Written Determination

1. The role of the Title IX Coordinator following the receipt of the written determination from the Hearing Officer is to facilitate the imposition of sanctions, if any, the provision of remedies, if any, and to otherwise complete the formal resolution process.

2. The Title IX Coordinator must provide the written determination to the parties simultaneously, with a copy to Human Resources, Conduct Officer, and/or other School officials, as appropriate. The appropriate School official, after consultation with the Title IX Coordinator, will determine the sanction(s) imposed and remedies provided, if any.

3. The parties shall receive the final decision on the imposition of sanction(s), if any, and the provision of remedies, if any, simultaneously within ten (10) workdays of receipt of the written determination by the appropriate School official(s). The school must disclose to the complainant the sanction(s) imposed on the respondent that directly relate to the complainant when such disclosure is necessary to ensure equal access to the school's education program or activity.

4. The Title IX Coordinator shall confer as necessary with employees, community resources, or other support services that will provide such remedies.

5. Any sanctions to be imposed or remedies to be provided should begin after five (5) workdays of submitting the final decision unless either party files an appeal.

6. If the respondent is a third party, the Title IX Coordinator will forward the written determination to the School President. Within ten (10) workdays, the school President shall determine and impose appropriate sanction(s), as described in section AA. The respondent and the Title IX Coordinator shall receive written notification of sanction(s) in the final decision, if any. The Title IX Coordinator may disclose to the complainant information as described above.

## Y. Appeals

1. Within five (5) workdays of receipt of the final decision, either party may appeal the Hearing Officer's written determination regarding responsibility and the final decision related to sanctions and remedies. The complainant also may appeal the school's dismissal of a formal complaint or any of its allegations therein within five (5) workdays of such dismissal. The appeal must be in writing and submitted to the Title IX Coordinator, who will appoint an Appeal Officer within five (5) workdays of receipt of the appeal. The Appeal Officer's decision is final.

2. The Appeal Officer will grant an appeal only on the following basis:

- a) Procedural irregularity that affected the outcome of the matter;
- b) new evidence that was not reasonably known or available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; and,
- c) The Title IX Coordinator, investigator(s), or Hearing Officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

3. Within five (5) workdays of receipt of an appeal request, the Title IX Coordinator will notify the other party that an appeal has been filed and implement appeal procedures equally for both parties.

4. The Title IX Coordinator will compile the record, including the notice of allegations, evidence obtained, investigative report, live hearing recording, written determination, and final decision. The Title IX Coordinator shall forward the record with the appeal request to the Appeal Officer as soon as possible, but no later than ten (10) workdays of receipt of the appeal request.

5. The Appeal Officer must not be the Hearing Officer, the investigator, or the Title IX Coordinator and be free from conflict of interest and bias.

6. Upon receipt of the request for the appeal and the record, the Appeal Officer shall decide whether to grant the appeal, including the rationale for the decision, and notify the parties whether the appeal has been granted simultaneously. The decision shall be made within ten (10) workdays of receipt of the appeal request and record from the Title IX Coordinator.

7. If the Appeal Officer decides to grant the appeal, they will notify the parties that they have five (5) workdays to submit a written statement in support of, or against, the outcome of the written determination, final decision, or dismissal of the formal complaint. The Appeal Officer may grant additional time for good cause to both parties.

8. The Appeal Officer shall make the decision based on the record and the parties' written statements, if any. The Appeal Officer shall not receive additional statements or testimony from any other person.

9. The Appeal Officer shall issue a written determination of the result of the appeal and the rationale for such result within ten (10) workdays of receipt of written statements, if any. The Appeal Officer shall provide the written determination to the parties simultaneously.



10. At the conclusion of the appeal, the Title IX Officer shall facilitate the imposition of sanctions, if any, and the provision of remedies as provided in Section X.

#### Z. Informal Resolution Process

1. The informal resolution process is available under the following conditions:

a) The complainant has filed a formal complaint of hostile environment sexual harassment involving parties with the same status (e.g., student-student or employee-employee).

b) The Title IX Coordinator has completed the steps described in Sections V1 through V4; and,

c) The parties voluntarily request in writing to resolve the formal complaint through the informal resolution process.

2. Within five (5) workdays after the receipt of the written request to start the informal resolution process, the Title IX Coordinator will appoint a School official to facilitate an effective and appropriate resolution ("Facilitator"). The Title IX Coordinator may serve as a Facilitator. Within five (5) workdays of such appointment (or receipt of the written request), the parties may identify to the Title IX Coordinator in writing any potential conflict of interest or bias posed by such Facilitator to the matter. The Title IX Coordinator will consider such information and will appoint another Facilitator if it is determined that a material conflict of interest or bias exists. Within five (5) workdays of the appointment (or receipt of the written request), the Facilitator will request a written statement from the parties to be submitted within ten (10) workdays. Each party may request that witnesses are interviewed, but the school shall not conduct a full investigation as part of the informal resolution process.

3. Within ten (10) workdays of receiving the written statements, the Facilitator will hold a meeting(s) with the parties and coordinate informal resolution measures. The Facilitator shall document the meeting(s) in writing. Each party may have one advisor of their choice during any meeting; however, the advisor may not speak on the party's behalf.

4. The informal resolution process should be completed within thirty (30) workdays in most cases, unless good cause exists to extend the time. The parties will be notified in writing and given the reason for the delay and an estimated time of completion.

5. Any resolution of a formal complaint through the informal resolution process must address the concerns of the complainant and the responsibility of the school to address alleged violations of the Policy, while also respecting the due process rights of the respondent. Informal resolution process remedies include mandatory training, reflective writing assignment, counseling, written counseling memorandum by an employee's supervisor, suspension, termination, or expulsion, or other methods designed to restore or preserve equal access to the school's education programs or activities.

6. At the conclusion of meetings, interviews, and the receipt of statements, the Facilitator will write a summary of such in a written informal resolution report and provide the parties with the informal resolution report simultaneously. The written informal resolution report shall include the notice of allegations, a meeting(s) summary, remedies provided, if any, sanctions imposed, if any, and

whether the formal complaint was resolved through the informal resolution process. The Facilitator will forward the written informal resolution report to the Title IX Coordinator, when applicable.

7. At the conclusion of the informal resolution process, if the formal complaint was resolved to the satisfaction of the parties, the parties will provide a written and signed statement as such for the record. The decision will be final, and the matter will be closed.

8. At any time prior to resolving a formal complaint through the informal resolution process, either party may withdraw in writing from the informal resolution process and resume or begin the formal resolution process.

9. If the formal complaint is not resolved through the informal resolution process, the Title IX Coordinator shall begin the formal resolution process at Section V5 of this Policy.

10. The Facilitator shall not be a witness as part of the formal resolution process, but the written informal resolution report shall be part of the record.

#### AA. Sanctions & Corrective Actions

1. The School will take reasonable steps to address any violations of this Policy and to restore or preserve equal access to the school's education programs or activities. Sanctions for a finding of responsibility depend upon the nature and gravity of the misconduct, any record of prior discipline for similar violations, or both.

2. The range of potential sanctions and corrective actions that may be imposed against a student includes but is not limited to the following:

- required discrimination or harassment education,
- a requirement not to repeat or continue the discriminatory, harassing, or retaliatory conduct,
- verbal or written warning,
- a no-contact order,
- written or verbal apology,
- probation, suspension, and/or expulsion from the school

3. Sanctions for faculty and staff shall be determined in accordance with the AMBI Policy and Standards of Conduct, respectively. Possible sanctions and corrective actions include required discrimination or harassment education, informal or formal counseling, reassignment, demotion, suspension, non-reappointment, and/or termination of employment.

4. Third parties, e.g., contractors, or patrons from the general public, will be prohibited from having access to the campus. Depending on the violation, this may be temporary permanent.

5. Sanctions imposed do not take effect until the resolution of any timely appeal. However, the school may keep in place any interim measures when necessary.

#### BB. Academic Transcript Notations and Expungement

1. If a student is found responsible for an act of sexual violence as defined by this Policy and is suspended or dismissed, the student's academic transcript shall be noted as follows:

“Suspended/Dismissed for a violation of American Massage and Bodywork Institute’s Title IX Policy.” In the case of a suspension, the school shall remove such notation immediately following the completion of the term of suspension and any conditions thereof, and when the student is considered to be in good standing. The student shall be considered to be in good standing for the purposes of this section following the completion of the term of suspension and satisfaction of all conditions thereof. Upon completion of the suspension, the Title IX Coordinator (or designee) shall meet with the student to confirm completion of the conditions and upon such confirmation, direct the Campus Coordinator to remove the notation from the student’s academic transcript.

2. If a student withdraws from the school while under investigation involving an act of sexual violence as defined by this Policy, the student’s academic transcript shall be noted as follows: “Withdrew while under investigation for a violation of AMBI Title IX Policy.” Students are strongly encouraged not to withdraw from the school.

3. The School shall immediately remove the notation from the student’s academic transcript upon a subsequent finding that the student is not responsible for the alleged offense of sexual violence as defined by this Policy. Upon such a finding, the Title IX Coordinator (or designee) shall direct the Campus Coordinator to remove the notation from the student’s academic transcript.

4. Notations on academic transcripts regarding suspensions and dismissals shall be placed on the student’s academic transcript after resolution of any timely appeal.

5. The School shall expunge the notation from the academic transcript of any student for good cause shown and after a period of three (3) years.

a) Persons seeking to expunge the notation on an academic transcript shall submit a written request for expungement to the School President no sooner than three years after the date the school placed the notation on the academic transcript.

b) The request for expungement must contain sufficient information to support a finding of good cause. For expungement purposes, good cause includes

(i) the act of sexual violence did not involve serious bodily injury, the use of force, or threat, and the former respondent demonstrates remorse and/or rehabilitation;

(ii) the former respondent committed the Policy violation while under the age of 18 and the former respondent demonstrates remorse and/or rehabilitation; and,

(iii) any other reason that, in interest of justice, the notation should be expunged.

c) The School President shall issue a written decision and the rationale for such decision within ten (10) workdays of receipt the request.

d) If the request for expungement is denied, the former respondent may submit another request for expungement no sooner than three (3) years after the denial of the request. This decision is final.

## CC. Training and Training Materials

1. Title IX Coordinator(s), Investigators, Hearing Officers, Appeal Officers, and Facilitators for the informal resolution process must receive annual training, as appropriate, on the following topics:

- a) The definition of sexual harassment;
- b) The scope of the school's education programs or activities;
- c) How to conduct an investigation and grievance process, including live hearings, appeals, and informal resolution processes, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias;
- d) The definition of relevance;
- e) Investigative report writing; and,
- f) Technology that may be used at live hearings.

2. School-appointed advisors receive training on the definitions of sexual harassment, consent, preponderance of the evidence, and relevance.

3. Training materials must not rely on sex stereotypes and will promote impartial investigations and adjudications of formal complaints of sexual harassment.

4. All training materials must be available on the school's website.

## DD. Record Keeping

1. The Title IX Coordinator, if applicable, and any other employee as appropriate, e.g., Campus Coordinator, shall maintain in a confidential manner, for at least seven (7) years from the date of creation of the last record pertaining to each case, in paper or electronic files of the following:

- a) The complete file for each sexual harassment investigation and formal resolution process, including
  - (i) any determination regarding responsibility;
  - (ii) any audio or audiovisual recording or transcript of the live hearing;
  - (iii) any disciplinary sanctions imposed on the respondent; and,
  - (iv) any remedies provided to the complainant;
- b) Records of any appeal and its result;
- c) Records of any informal resolution process and its result;
- d) All materials used to train Title IX Coordinators, Investigators, Hearing Officers, Appeal Officers, and Facilitators for an informal resolution process.

2. Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. Records must explain why the school's response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the school's education programs or activities.

3. If the School does not provide a complainant with supportive measures, then the school must document the reasons why such a response was not reasonable in light of the known circumstances, including whether such decision was made based on the complainant's request or desire for the school to take no action or to provide supportive measures.

4. The documentation of certain bases or measures does not limit the school in the future from providing additional explanations or detailing additional measures taken.

### Title IX Participant Training

AMBI has developed trainings for employees who play a role in the Title IX grievance procedure. Those roles include Investigator, Advisor, Hearing Officer, Authorized Administrative Personnel, Designated Person and Informal Resolution Facilitator. The training satisfies all of the requirements for such training set forth in the AMBI Sexual Harassment and Sexual Misconduct Policy, the May 2020 Title IX regulations, and VAWA. Training materials are available for review on AMBI's website.

Title IX related trainings include the below topics:

1. Trauma Informed Approach
2. Fundamentals of the Law
3. Formal Complaints
4. Investigations & Informal Resolutions
5. Hearings
6. Determinations
7. Appeals

### Respondent's Rights and Options for those Accused of Sexual Misconduct

Sexual misconduct is unacceptable at American Massage and Bodywork Institute. Reports of sexual harassment, sexual assault, dating/domestic violence, or stalking are taken seriously. It is important to AMBI that respondents are informed and provided due process. AMBI's Sexual Misconduct Policy (Title IX Policy) is available the school's website at <https://ambimessageschool.com/>

Any AMBI student, faculty member, or staff who is accused of sexual misconduct has the right to:

1. Information: The respondent has the right to be notified in writing of the complaint and the allegations as well of any immediate interim measures that impact the respondent. The respondent has the right to information regarding the status of the complaint against them, including the outcome of the campus investigation and any disciplinary action, the procedures to appeal a disciplinary action, and the outcome.

2. Confidentiality and Discretion: Identifying information of a respondent will be protected as much as possible. Please be advised that identifying information will be shared with School officials who are in a "need to know" position because of their job responsibilities. All persons involved in a complaint of sexual misconduct are to respect the privacy of the individuals involved and must be mindful of sharing information with others. Your personal and identifying information may only be disclosed when:

(a) it is necessary to protect the health or safety of the student or other individuals.

(b) the information concerns conduct involving suspected abuse or neglect of a minor;

or

(c) as required by law.

3. A prompt, fair, and impartial investigation and resolution: The respondent has the right to a prompt, fair and impartial investigation and resolution of the incident, including an opportunity to present witnesses and other evidence. Collection and preservation of evidence is imperative to the integrity of the investigation and resolution process. Complainants have the right to file a formal complaint, which will automatically trigger an investigation assuming proper jurisdiction. Parties have the right to choose whether they would like to participate, however, the Title IX formal process can take place without a party's participation. AMBI's Title IX process also provides an informal resolution as well as the formal investigation and hearing. Contact the Title IX Coordinator to discuss the various options or review AMBI's Title IX policy for more information.

4. Standard of Evidence: The respondent will not be considered responsible for violating AMBI's Sexual Misconduct Policy unless they are found to be responsible by a Preponderance of the Evidence, in accordance with the procedures described in AMBI's Sexual Misconduct Policy.

5. Interim Measures: At the complainant's request or if the school determines that safety issues are of a concern or the presence of the respondent may jeopardize a supportive learning environment, AMBI may take immediate and interim measures to change a class/work assignment or working relationship. Other interim measures may include interim suspension, restricting campus or School access, exclusion from participating in student/employee activities or representing the school in any capacity, including required absence with/without pay. Also, a No Contact Order may be issued, so that the respondent and the complainant will be separated from each other to the greatest extent possible. These interim measures will not be considered in determining whether or not the respondent is responsible for the alleged sexual misconduct, and such interim actions will not prejudice the respondent under investigation.

6. Sanctions: The respondent has the right to know the potential sanctions that may be imposed if they are found responsible for violating the Sexual Misconduct Policy.

- For students, these sanctions are described in the Student Code of Conduct and may include, but are not limited to, admonitions, educational sanction, probation, suspension, and/or dismissal from the school.

- For faculty, the sanctions will be imposed in accordance with AMBI policies and procedures. Examples of possible sanctions: educational sanction, counseling memo, a letter of reprimand, suspension, non-reappointment, dismissal, and/or termination from employment.

- For classified staff, sanctions will be imposed in accordance with the AMBI Standards of Conduct Disciplinary process.

If the respondent is a student and they are found responsible for sexual violence per AMBI's Title IX Policy, the student's academic record shall be noted as follows: "Suspended/Dismissed for a violation of the AMBI Title IX policy."

If the respondent withdraws while under investigation, the investigation may continue in the respondent's absence. If possible, the respondent will be provided an opportunity to respond to the evidence and be notified of the outcome.

If the respondent is a faculty member or classified staff and they are found responsible for violating AMBI's Sexual Misconduct Policy (Title IX), any disciplinary action, up to and including termination, will be in accordance with AMBI policies and procedures.

If the respondent resigns while under investigation, the investigation may continue in the respondent's absence. If possible, the respondent will be provided an opportunity to respond to the evidence and be notified of the outcome.

**An Advisor:** The respondent has the right to choose an advisor to support and accompany them at all times throughout the school proceedings. The advisor may be a friend, mentor, family member, or any other supporter of their choice. The advisor may support the respondent but may not represent them nor speak for the respondent. To avoid any potential conflict of interest, advisors who are AMBI employees must have no other role or job responsibilities in the Title IX process. All persons involved in a complaint of sexual misconduct are to respect the privacy of the individuals involved and must be mindful of sharing information with others.

**Request Accommodations or Support Services:**

A respondent may request a change in academic setting (class or campus) or work assignment in order to be more clearly separated from the complainant. Requests, when reasonable, will be granted in accordance with School policies and procedures and as soon as alternative arrangements can be reasonably made. Students should make their request to the Title IX Office. If financial aid may be impacted, the respondent may contact the Title IX Office for assistance. Faculty and staff may request accommodations by contacting the Title IX Office or School President.

**Retaliation Concerns:**

Threats, intimidation, and any form of retaliation for reporting an incident of sexual misconduct or participating in a Title IX Resolution Process are prohibited by the Sexual Misconduct

Policy as well as by Federal law and may be grounds for disciplinary action. If any retaliation occurs, it is important to contact the Title IX Office.

#### Community Resources:

Since AMBI does not offer mental health care it is important to be aware of community resources that are free, low cost, and confidential. Seeking appropriate and necessary mental health and medical assistance can be paramount to handling allegations such as these.

- Low Cost Healthcare Resources in Northern Virginia, including Alexandria, Loudoun, and Prince William County: <http://www.fairfaxcounty.gov/hd/pccs/pccpdf/safety-net-contacts-revised.pdf>

- Virginia Health Care Foundation:

free clinics

<http://www.vhcf.org/looking-for-help/medical-care/free-clinics/>

<http://www.vhcf.org/looking-for-help/mental-health-care/>

- Fairfax Mental Health: provides reduced fee mental health services to School students on a sliding scale.

<http://www.fairfaxmentalhealth.com/>

- School Authorized Safety Personnel: Have jurisdiction over incidents that occurred on campus. This may also trigger AMBI's administrative processes.

- Local Police Department: Have jurisdiction over incidents that occurred off campus. This may not involve AMBI's administrative processes.

Additional Resources for Faculty and Staff: Please refer to your health benefits program and contact the appropriate Employee Assistance Program for information on available services and free counseling at:

<http://www.dhrm.virginia.gov/employeeprograms/employeeassistance>

Mental Health Resource Guide:

<http://www.dhrm.virginia.gov/docs/defaultsource/hr/mentalhealthcrisisresources>

#### AMBI Victim's/Complainant's Rights

Victims' (Complainants') Rights, Options, and Resources (For those who report sexual harassment, sexual assault, dating/domestic violence, or stalking)

If you or someone you know has experienced sex discrimination, sexual harassment, sexual assault, dating violence, domestic violence, or stalking, AMBI is here to help. Sexual misconduct, the umbrella term for the above, is unacceptable at AMBI. Reports of sexual harassment, sexual assault, dating/domestic violence, or stalking are taken seriously. It is important to AMBI that victims



(complainants) are informed, protected, and respected. AMBI's Policy on Sexual Harassment and Sexual Misconduct (Title IX Policy) is available on the school website.

The following rights are afforded to any AMBI community members as well as any visitors who experience such an incident. It is AMBI's hope that these rights will provide you with adequate information from which to choose your options.

**REPORTING OPTIONS.** Each person's experience is unique and numerous options are available for support and reporting. Victims have the right to choose whether they would like law enforcement involvement unless the report triggers a mandated report. At AMBI, there are several offices to report an incident if you choose to do so. In an emergency, call 911.

Campus Official – <https://ambimessageschool.com/> or 571-620-7170 To report an incident that occurred on campus and begin a criminal investigation. This may also trigger the school's administrative processes. Any timely warning that is broadcast through AMBI websites or emails for the safety of our community will not identify a victim. Timely warnings are triggered when an authorized official determines that someone presents a serious or continuing threat to the AMBI community.

Local Police Department – 911 To report an incident that occurred off campus and begin a criminal investigation that may not involve School administrative processes.

AMBI's Title IX Office – Phyllis Myers [pmyers@ambi.edu](mailto:pmyers@ambi.edu) or 240-499-6090 To report an incident, seek academic or other accommodations, seek assistance when your Financial Aid is impacted, and discuss your administrative investigation or informal resolution options to address the incident. Complainants have the right to file a formal complaint, filing a formal complaint will automatically trigger an investigation assuming proper jurisdiction.

Campus Coordinator – [jsmith@ambi.edu](mailto:jsmith@ambi.edu) or 571-620-7170 To report an incident involving an employee (faculty, staff) or contractor that is not sexual misconduct; police may also be called to begin such an investigation.

**CONFIDENTIALITY.** Identifying information of a victim will be protected as much as possible. This means that a victim's name will not be published or otherwise publicized without their permission unless required by law. When a person makes an official complaint to authorities, all possible protections will be afforded this individual, whether or not they participate in any investigation. When the School needs to act to protect the safety of others, absolute confidentiality may not be possible. Your personal and identifying information may only be disclosed when:

- (1) you give written consent for its disclosure;
- (2) it is necessary to protect the health or safety of the student or other individuals;
- (3) the information concerns conduct involving suspected abuse or neglect of a minor; or
- (4) as required by law.

For absolute confidentiality, contact AMBI's Confidential Victim Advocate at 240-499-6090.

FAIR AND IMPARTIAL INVESTIGATION AND RESOLUTION. You can expect a fair and just process as your complaint is handled. Parties have the right to choose whether they would like to participate, however, the Title IX formal process can take place without a party's participation.

NO CONTACT or PROTECTIVE ORDERS. The school will honor any protective order that you may have acquired through the local courts. Please bring a copy of such a court order to the Authorized Official for their information and enforcement. In addition, an AMBI administrative no contact order may be created by the Office of Rights and Responsibilities or Title IX Coordinator once an incident is reported.

PRESERVING PHYSICAL EVIDENCE. It is extremely important to preserve all evidence of an assault. If you go to a hospital as a result of a penetrating sexual assault or physical dating/domestic violence, you are entitled to a free evidence collection examination called a FACT exam. FACT stands for Forensic Assessment and Consultation Team

In Northern Virginia, the preferred hospitals for such an exam are INOVA Fairfax in Fairfax County and Sentara Hospital in Prince William County, where they have specially trained nurses on call 24 hours a day for such purposes. The SANE nurse will collect the evidence and ask the police in the jurisdiction where the crime occurred to pick it up and store it for at least six months. The evidence will be in a box marked only with a number, not your name. You are not required to make an official police report for this evidence to be collected. If you later decide to make such a report, the hospital will give your name to the police and the evidence kit will be tested for possible use in a court case. For more information about how to preserve evidence, contact local police at 911 or AMBI's Confidential Victim Advocate at 240-499-6090.

REQUESTS FOR CHANGES OR SUPPORT/INTERIM MEASURES. Regardless of whether you file a formal complaint, you may request a change in academic setting (class or campus) or work assignment to be more clearly separated from the respondent (the accused). These requests should be made to the Title IX Coordinator (if you are a student) or the School President (if you are an employee).

RETALIATION CONCERNS. Threats, intimidation, and any form of retaliation for bringing a complaint of sexual misconduct are prohibited by the Sexual Misconduct Policy as well as Federal law and may be grounds for disciplinary action. If any retaliation occurs, it is important to contact either the AASPAT, the Title IX Coordinator, and/or School President.

COMMUNITY RESOURCES. AMBI does not offer mental health counseling to students or employees, however there are many community resources that are both free and confidential. Most offer 24-hour services. It is best to choose the service listed below that is closest either to your home or your campus.

Every student can use AMBI's Confidential Victim Advocate, no matter where you live, work, or study.

***Alexandria Sexual Assault Center: 703.683.7273***

***Alexandria Domestic Violence Shelter: 703.746.4911***

***Alexandria Domestic Violence & Sexual Assault Wallet Resource Guide***

***Fairfax County – Office for Women and Domestic and Sexual Violence Services: 703.360.7273***

***Loudoun Abused Women's Shelter/LAWS: 703.777.6522***

***Prince William ACTS: 703.221.4460***

AMBI's Victim's (Complainants') Rights, Options, and Resources when received constitutes the written explanation of a student's or employee rights and options when they have been a victim of dating violence, domestic violence, sexual assault, or stalking whether the offense occurred on or off campus and accommodations which can be requested by the victim of such crimes regardless of if they choose to report it to law enforcement as required by VAWA.

Upon written request AMBI will disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by AMBI against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

#### Sex Offender Registry and Access to Related Information

The Federal Campus Sex Crimes Prevention Act of 2000, enacted on October 28, 2000, and effective on October 28, 2002, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. The Virginia State Police website, [www.vsp.state.va.us](http://www.vsp.state.va.us), provides information about registered sex offenders in the Commonwealth. Once you are on this website, click on Sex Offender Registry.

#### School Support for Sexual Assault Victims

The Office of Wellness and Mental Health provides free and confidential services to support victims and other interested members of the AMBI community. The AMBI Confidential Victim Advocate can be reached at 571-620-7170 or via email at [admin@ambimessageschool.com](mailto:admin@ambimessageschool.com). The AMBI Confidential Victim Advocate provides assistance and support to any member of the AMBI community, including students, faculty and staff members, as well as their families. The AMBI Confidential Victim Advocate provides both crisis intervention and referrals and psychological, medical, legal, and judicial support and information. Programing includes education and community outreach on issues of Sexual Assault, Dating/Partner Violence, Sexual Harassment and Stalking.

Emails are checked regularly and remain confidential.

#### If Sexual Assault Happens to You

- o Get to a safe place as soon as possible.
- o Call 911.
- o Notify the AASPAT if the incident occurred on campus. School faculty and staff members can also assist you in reporting an incident.
- o Try to preserve all physical evidence. Do not bathe or change clothes.
- o Contact someone to stay with you and support you.
- o Get medical attention as soon as possible and inform the responders you have been a victim of a sexual assault so appropriate evidentiary safeguards can be exercised.

## Mandatory Reporting of Child Abuse

While everyone should be concerned about child abuse and neglect, certain individuals are required by law to report suspected instances.

In 2012, the Virginia General Assembly (SB 239) added “any person employed by a public or private institution of higher education” to the list of “mandated reporters” set out in §63.2-1509 of the Code of Virginia. Mandated reporters, including all AMBI faculty and staff, are those persons who in their professional or official capacity, are required to report instances of suspected child abuse and neglect to the local Social Service Department or to the Virginia Department of Social Services (DSS).

The toll-free child abuse and neglect hotline is 1.800.552.7096

Procedures 401P The Code of Virginia §63.2-100 defines an abused or neglected child as any child under 18 years of age whose parent or any person responsible for his or her care:

- o Causes or threatens to cause a non-accidental physical or mental injury,
- o Has a child present during the manufacture of a controlled substance or during the unlawful sale of such substance where such activity would constitute a felony violation,
- o Neglects or refuses to provide adequate food, clothing, shelter, emotional nurturing, or health care,
- o Abandons the child
- o Neglects or refuses to provide adequate supervision in relation to a child’s age and level of development,
- o Knowingly leaves a child alone in the same dwelling with a person, not related by blood or marriage who had been convicted of an offense against a minor for which registration is required as a violent sexual offender, or
- o Commits or allows to be committed any illegal sexual act upon a child, including incest, rape, indecent exposure, prostitution, or allows a child to be used in any sexually explicit visual material

## Medical Care

Victims of very recent sexual assaults (within 72-96 hours) are entitled to go to the emergency room of a local area hospital for a physical exam and the collection of evidence at no cost to the victim. At the hospital, a qualified nurse (called a Sexual Assault Nurse Examiner or “SANE”) will examine the victim for sexually transmitted diseases, physical trauma, possible pregnancy, and to collect evidence for possible prosecution. A victim may receive an examination by a SANE whether or not they choose to make an official police report of the incident at that time. If the victim decides not to go to a hospital, they should seek medical attention from a private clinic for a health and safety examination, whether or not injuries are known. SANE services are only available at Fairfax INOVA and Sentara hospitals. Other listed hospitals would be able to provide medical care service.

## Local Area Hospitals

Inova Alexandria Hospital 4320 Seminary Road Alexandria, VA 22304 703.504.3000

Inova Fairfax Hospital 3300 Gallows Road Falls Church, VA 22042 703.698.1110

Inova Fair Oaks Hospital 3600 Joseph Siewick Drive Fairfax, VA 22033 703.391.3600

Loudoun Hospital Center 44045 Riverside Parkway Leesburg, VA 20176 703.858.6000

Mount Vernon Hospital 2501 Parker's Lane Alexandria, VA 22306 703.664.7000

Northern Virginia Community Hospital 601 S. Carlin Springs Road Arlington, VA 22204 703.671.1200

Sentara Northern Virginia Medical Center 2300 Opitz Boulevard Woodbridge, VA 22191 703.670.1313

Prince William Hospital 8700 Sudley Road Manassas, VA 20110 703.369.8000

Reston Hospital Center 1850 Town Center Parkway Reston, VA 20190 703.689.9000

Virginia Hospital Center 1701 N. George Mason Drive Arlington, VA 22205 703.558.5000

Inova Psychiatric Assessment Center (IPAC) 8221 Willow Oaks Corporate Drive Suite 4-420 Fairfax, VA 22031 703.289.7560

## Educational Programs about Sexual Assault Prevention and Related Issues

There is a variety of programs for students seeking information on date rape prevention, sexual harassment, substance abuse, safety and security, domestic violence and common-sense survival tips.

Additional assistance may be obtained through the following community resources:

- o Alexandria Sexual Assault Center 24-Hour Hotline: 703.683.7273
- o Fairfax County Victims Assistance Network 24-Hour Hotline: 703.360.7273
- o Sexual Assault Victims' Advocacy Service (SAVAS) 24-Hour Hotline: 703.368.4141 Woodbridge: 703.497.1192 Manassas: 703.361.0486
- o LAWS (Loudoun Abused Women's Shelter) 703.777.6552

## Student Responsibilities

Students enrolling in the school assume an obligation to conduct themselves in a manner that is civil and compatible with the school's function as an educational institution. Submitting an enrollment agreement to AMBI represents a voluntary decision on the student's part to participate in the programs offered by the institution pursuant to its policies, rules, and regulations. Violating any of AMBI's core values may lead to disciplinary action.

## Reporting Violations

Any member of the AMBI community, guest, or visitor may submit a report about a student for alleged violations of the Student Code of Conduct. Reports may be submitted to the school president or any designated safety personnel. All reports should be submitted as soon as possible after the event takes place. Charges may be brought against an individual student or a school organization.

## Administrative Responsibilities

- Disciplinary procedures for students are administered by the Campus President or Financial Aid Director in consultation with the Campus Coordinator.
- Students will be charged with violations of the Code of Conduct when the apparent infractions are observed on School property or other locations where the school provides services or when the off-campus behavior negatively affects the teaching and learning environment.

Infractions of federal, state or local laws occurring off campus may be considered a violation of the Student Code of Conduct when such actions:

- directly affect the health, safety or security of the school community
- affect an individual's ability to fully participate in the school's academic or co-curricular programs
- affect the school's pursuit of its educational purposes, or annual security
- occur as a direct result of a School connected disruption

## Interim Actions

Depending on the nature of the alleged misconduct, interim actions may be taken as deemed necessary for the safety of the school community. Examples include, but are not limited to, interim suspension, no-trespass orders, and administrative no-contact orders between individuals or groups. When possible, alternative arrangements will be made for the student to continue to meet academic requirements. The school may also withhold the award of a student's degree or certificate until the completion of the conduct process.

An instructor or other school official may direct a student to leave a class or any other academic setting when the student has, in the instructor's or official's judgment, caused a disruption.

The School President may bar a student from that class or setting for a longer period of time pending a meeting with the Campus Coordinator and/or Financial Aid Director; in that instance, alternative arrangements will be made for the student to continue to meet academic requirements whenever possible.

## Violations and Sanctions

When a student is found responsible for violating the Code of Conduct, sanctions will be imposed. Disciplinary sanctions generally attempt to accomplish the following:

- 1) provide fair and just consequences for misconduct
- 2) provide protection for the safety and property of the school community
- 3) enhance the academic environment
- 4) discourage future violations of the Code of Conduct
- 5) contribute to the growth and development of the student.

Any sanction imposed applies to the entire School

There are two types of sanctions -- administrative and educational.

- Administrative sanctions are more formal actions and frequently relate to the status of the student at the school. Administrative sanctions may be assigned independent of or in conjunction with educational sanctions.
- Educational sanctions are designed to include developmental activities related to specific acts of misconduct. The goals of educational sanctions are to reduce the probability of repeat behavior, to give students the opportunity to demonstrate personal growth, and to appropriately challenge students. Educational sanctions may be assigned independent of or in conjunction with administrative sanctions.

Sanctions may include but are not limited to:

### **Administrative Sanctions**

**Disciplinary Warning:** A warning to a student that their conduct was questionable and/or inappropriate and that further misconduct will result in more severe disciplinary action. Disciplinary warning may include a behavior agreement or contract.

**Disciplinary Probation:** Disciplinary probation is assigned for a specified period of time and is intended to foster reflection, responsibility, and improved decision making. During this period the student is not in good standing with the school. The terms of probation may include restrictions of student privileges and/or set specific behavioral expectations. Misconduct while on probation or failure to comply with any conditions or to complete any assignments related to the probation may lead to more severe disciplinary action, including suspension and/or expulsion

**Suspension:** Disciplinary suspension of the student from the school is assigned for a specified period of time that excludes the student from registration, class attendance, and use of school facilities. During

the period of disciplinary suspension, the student will be prohibited from using or visiting School facilities unless special permission is obtained from the school President or a designee.

**Deferred Suspension:** Deferred suspension is for a specified period of time. During the time of deferred suspension, involvement at the school is restricted to academic activities. A student under deferred suspension who is found responsible for further violations of the Student Code of Conduct will be immediately suspended and/or expelled.

**Expulsion:** Expulsion of a student from the school is permanent and requires administrative review and approval by the President. A student who is expelled from the school is prohibited from using or visiting School facilities unless permission is obtained from the School President.

### **Educational Sanctions**

**Apology Letter:** May be assigned to students whose behavior had a negative impact on a particular individual or business more so than the community at large (i.e. theft).

**Community Service or Service-Learning Experience:** May be assigned to students whose behavior or pattern of behavior disrupted the community in some way.

**Counseling:** (substance abuse, anger management, etc.). May be assigned to students whose behavior or pattern of behavior dictates a need for therapeutic rather than educational intervention.

**Interview With Relevant Staff Member and Reflection Paper:** May be assigned to students whose behavior indicated a need for education on a particular subject on which a school staff member is knowledgeable.

**Reaction/Reflection/Research Paper:** May be assigned to students who have engaged in a Code violation as a way of fostering reflection and explanation in a way that will benefit their future decision making.

**Review Relevant Article, Book, Workshop, Program or Movie and Reflection Paper:** May be assigned to students whose behavior violated the Code as a way of fostering exploration of a particular topic followed by reflection on the topic and how it relates to them.

**Restitution:** May be assigned to students whose behavior reflects damages to or misappropriation of property. Restitution may include, but is not limited to, reimbursements, compensation, and service.