



Adler Graduate School Policy Manual

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Section 1: Gender-Based Misconduct Policy

Section 1-1. Gender-Based Misconduct Policy

Introduction

Members of the Adler Graduate School (AGS) community have the right to be free from all forms of gender-based misconduct. As required by Title IX, AGS does not discriminate on the basis of gender in its educational programs and activities. All members of the campus community are expected to conduct themselves in a manner that does not infringe upon the rights of others. AGS believes in a zero tolerance policy for gender-based misconduct and encourages those who believe they have been subject to gender-based discrimination, misconduct, or harassment (including sexual violence, sexual assault, or relationship violence) by a student, member of the faculty or staff, or campus visitor or contractor, including incidents that occur off College premises, to immediately report the incident to any of the individuals or offices listed below. **AGS also strongly encourages you to report the incident to the College and/or local law enforcement.**

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Responsible Employees

Under Title IX, all employees are designated as Responsible Employees and are obligated to report gender-based discrimination, misconduct, or harassment (including sexual violence, sexual assault, or relationship violence) to the Title IX Coordinator or, if the Coordinator is not available, to the Title IX Investigator.

Responsible Employees will inform the complainant of the Employee's obligation to report the names of the complainant and the accused involved in the alleged incident, as well as relevant facts regarding the alleged incident; the complainant's option to request that the College maintain his or her confidentiality, which the Title IX Coordinator will consider; and the complainant's ability to share the information confidentially with counseling, advocacy, health, mental health, or sexual assault-related services. Failure of a Responsible Employee to report an incident or incidents of gender-based discrimination, misconduct,

or harassment (including sexual violence, sexual assault, or relationship violence) of which they become aware is a violation of this policy and is subject to disciplinary action ranging from a warning up to and including termination of employment.

Confidential Reporting

If a complainant does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the complainant may make such a request to the Title IX Coordinator or Title IX Investigator, who will evaluate that request in light of the duty to ensure the safety of the campus and comply with federal law.

In cases involving pattern, predation, threat, weapons, and/or violence, the College will likely be unable to honor a request for confidentiality. In cases where the survivor requests confidentiality and the circumstances allow the College to honor that request, the College will offer interim supports and remedies to the survivor and the community but will not otherwise pursue formal action. A complainant has the right and can expect to have reports taken seriously by the College when formally reported and to have those incidents investigated and properly resolved through these procedures.

Formal reporting still affords privacy to the complainant and only a small group of officials who need to know will be told. Information will be shared, as necessary, with investigators, witnesses, and the responding party. The group of people with this knowledge will be kept as tight as possible to preserve a complainant's rights and privacy.

If a complainant would like the details of an incident to be kept confidential, he/she may speak with:

- Off-campus Licensed Professional Counselors
- Local rape crisis counselors
- Domestic violence resources
- Local or State assistance agencies
- Members of the clergy

Federal Statistical Reporting Obligations

Certain campus officials have a duty to report sexual assault, domestic violence, dating violence, and stalking for federal statistical reporting purposes (Clery Act). All personally identifiable information is kept confidential, but statistical information must be passed along regarding the type of incident and its general location for publication in the Annual Security Report. This report helps to provide the community with a clear picture of the extent and nature of campus crime to ensure greater community safety. This reporting protects the identity of the survivor and may be done anonymously.

Federal Timely Warning Reporting Obligations

Survivors of gender-based misconduct should also be aware that College administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The College will make every effort to ensure that a survivor's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

Available Interim Measures

Interim measures are those services, accommodations, or other assistance the College puts in place for survivors after receiving notice of alleged gender-based misconduct but before any final outcomes have been determined. The College wants students to be safe, to receive appropriate medical attention, and to

get the help they need to heal and to continue to access their educational opportunities. We also want students to understand their reporting options and how to access available interim measures. The College encourages survivors of gender-based misconduct to report those incidents to the College's Title IX Coordinator, Title IX Investigator, or any Responsible Employee with whom the survivor feels comfortable. The College recognizes that gender-based misconduct is traumatic and may leave survivors feeling overwhelmed and confused. This policy seeks to provide clear guidance regarding available resources and who can help in securing them.

Upon receiving a report of gender-based misconduct, the College will provide the survivor, or the survivor's counselor or advocate, with a written explanation of the interim measures available through local community resources (see Addendum A) and shall ask survivors, or their counselors or advocates, what measures are sought. Some possible interim measures are listed below. The College determines which measures are appropriate for a particular survivor on a case-by-case basis. Not all of the measures listed below will be necessary in every case to keep survivors safe and ensure their equal access to educational programs and activities. If the survivor or advocate identifies an interim measure that is not already provided by the College, the College will consider whether the request can be granted. In those instances where interim measures affect both a survivor and the alleged perpetrator, the College will minimize the burden on the survivor wherever appropriate.

A survivor of gender-based misconduct, or the survivor's counselor or advocate, may request the interim measures listed below. The College, after consulting with the survivor, or the survivor's counselor or advocate, will determine which measures are appropriate to ensure the survivor's safety and equal access to educational programs and activities:

- Academic accommodations (for additional information, see below)
- Medical and mental health services, including counseling
- Assistance in arranging for alternative College employment arrangements and/or changing work schedules
- A "No Contact" directive pending the outcome of an investigation. Such a directive serves as notice to both parties that they must not have verbal, electronic, written, or third party communication with one another
- Assistance identifying an advocate to help secure additional resources or assistance, including off-campus and community advocacy, support, and services.

The College will work with survivors or their counselors or advocates to identify what interim measures are appropriate in the short term (e.g., during the pendency of an investigation or other school response) and will continue to work collaboratively throughout the College's process and as needed thereafter to assess whether the instituted measures are effective and, if not, what additional or different measures are necessary to keep the survivor safe.

As explained below, when a survivor's counselor or advocate requests any of these measures on the survivor's behalf without disclosing that gender-based misconduct as the basis for the request, the College will consider these requests for supportive measures consistent with its general policy of allowing counselors and advocates to seek such measures for survivors of trauma without requiring that the nature of the trauma be disclosed.

Academic Accommodations

Academic accommodations are one type of interim measure the College may provide to a survivor after receiving notice of alleged gender-based misconduct to ensure the survivor is safe and can continue to

access educational opportunities following alleged gender-based misconduct. To address the possible adverse effects of gender-based misconduct on a survivor's academics, it may be possible to secure time-limited academic accommodations. If the survivor experiences persistent academic difficulties as a result of gender-based misconduct (e.g., including difficulties stemming from anxiety, depression, post-traumatic stress disorder or any other mental or physical illnesses or injuries), the survivor may request more long-term academic accommodations, such as a temporary leave of absence.

Survivors of gender-based misconduct, or the survivor's counselor or advocate, may request the following academic accommodations as interim measures. The College, after consulting with the survivor or the survivor's counselor or advocate, will determine which accommodations are appropriate to ensure the survivor's safety and equal access to educational program and activities. Requests for academic accommodations may include assistance in:

- Transferring to another section of a class
- Rescheduling an academic assignment or test
- Accessing academic support
- Arranging for incompletes, a leave of absence, or withdrawal from College
- Preserving eligibility for academic or other scholarships, financial aid, internships, or study abroad

Options for Requesting Interim Measures or Supportive Measures

The College offers survivors of gender-based misconduct two options for reporting the misconduct and requesting interim measures required by Title IX. The first option allows the survivor to report the misconduct to a College employee whom the College has designated as responsible for receiving and/or responding to reports of gender-based misconduct and to request interim measures from these Responsible Employees.

The second option allows a survivor who has not reported the misconduct to a Responsible Employee to disclose the misconduct to a professional or non-professional counselor or survivor advocate who, in turn, can request interim measures on the survivor's behalf from the College. Under the second option, survivors should be aware that, when a counselor or advocate requests interim measures on their behalf from a Responsible Employee of the College and discloses that the reason for the request is gender-based misconduct, the request may trigger the College's Title IX obligation to investigate. To the extent the counselor or advocate makes such a disclosure but, consistent with the survivor's wishes, asks that the College not investigate or otherwise notify the alleged perpetrator of the report, the Title IX Coordinator or Title IX Investigator will consider whether it can honor the request while still providing a safe and nondiscriminatory environment for all students, as set forth in the **Confidential Reporting** section above, and take interim measures to protect the survivor as necessary.

The College also offers survivors an option for the survivor's counselor or advocate to request supportive measures from the College without reporting the gender-based misconduct to the College. While we strongly encourage all survivors of gender-based misconduct to report the incident to the College directly, we want survivors to have access to supportive measures regardless of when or whether they decide to report the conduct to the College.

Option 1: Survivors Who Report Gender-based Misconduct to a Responsible Employee

Reports of gender-based misconduct to Responsible Employees will be forwarded to a Title IX Coordinator, who will determine what steps need to be taken. Generally, the College will investigate the report to determine what occurred and will provide interim measures during the investigative process and any disciplinary process. However, for survivors who report gender-based misconduct to Responsible

Employees but request that the College not pursue an investigation or otherwise keep their report confidential (e.g., from the perpetrator), the Title IX Coordinator will consider whether it can honor the survivor's request while still providing a safe and nondiscriminatory environment for all students. For more information on confidential reporting, please see the **Confidential Reporting** section above. Whether the Title IX Coordinator decides that the College can honor the confidentiality request or must pursue an investigation, the Title IX Coordinator (or designee) will inform the survivor of available interim measures and coordinate appropriate interim measures for the survivor.

Options 2 and 3: Survivors Who Disclose Gender-based Misconduct to Counselors and Survivor Advocates

The College recognizes that counselors and survivor advocates are often in a unique position to know when and what interim or supportive measures would be most appropriate to address a survivor's health and safety needs. For this reason, survivors who disclose incidents of gender-based misconduct to their counselors or survivor advocates should discuss whether to have the counselor or advocate report the misconduct to the College and request interim measures required by Title IX or request discretionary supportive measures from the College without reporting the nature of the conduct. The counselor or advocate will work with the survivor to determine what information the survivor is willing to have shared with College employees involved in securing interim or supportive measures. The counselor or advocate will explain how sharing certain information with Responsible Employees may trigger the College's Title IX obligation to investigate.

Option 2: Interim Measures

A counselor or advocate may request that the College provide interim measures to a survivor of gender-based misconduct to protect the survivor and ensure the survivor's equal access to the College's educational programs and activities before the final outcome of any investigation. The counselor or advocate may ask a survivor who is seeking interim measures to sign a release specifying the information that may be shared with the College. After the counselor or advocate informs the College that gender-based misconduct is the basis for the request for interim measures, the College will work with these individuals to investigate the alleged gender-based misconduct and determine what interim measures are appropriate.

Option 3: Supportive Measures

A counselor or advocate may request that the College provide supportive measures for a student or employee who has experienced trauma, including, but not limited to, trauma related to gender-based misconduct. If a survivor does not want the College to investigate the alleged gender-based misconduct, the survivor should discuss this with the counselor or advocate. Counselors and advocates should explain what type of requests will trigger the College's Title IX obligations and discuss other avenues for securing supportive measures consistent with the survivor's wishes. For example, counselors and advocates may request supportive measures from the College on behalf of a survivor who does not want the College to pursue an investigation of the alleged gender-based misconduct and the College will consider these requests for supportive measures consistent with its general policy of providing supports to students or employees who have experienced various forms of trauma without requiring their counselor or advocate to reveal the nature of the underlying trauma to the College.

The College encourages survivors of gender-based misconduct to report the incident(s) and to seek help under the option above with which they feel most comfortable.

Other Considerations

In the case of sexual violence, other considerations include, but are not limited to:

1. The prompt assistance of College authorities, at the request of the survivor, in notifying the appropriate law enforcement officials.
2. The complete and prompt assistance of College authorities, at the discretion of law enforcement authorities, in obtaining, securing, and maintaining evidence.
3. The assistance of College authorities in preserving materials relevant to institutional investigation and disciplinary proceedings.
4. The assistance of College authorities, in cooperation with the appropriate law enforcement authorities, at a survivor's request, in shielding the survivor from unwanted contact with the alleged perpetrator.

DEFINITIONS

Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions. These relationships may be less consensual than perceived by the individual whose position confers power. The relationship may also be viewed in different ways by each of the parties, particularly in retrospect. In addition, circumstances may change and conduct that was previously welcome may become unwelcome. Therefore, the College prohibits romantic or sexual relationships between employees and students.

In addition, consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, individuals with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisor. While no relationships are prohibited by this policy, failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee.

Consent

In order for individuals to engage in sexual activity of any type with each other, there must be clear, knowing, and voluntary consent prior to and during sexual activity. Consent is sexual permission. Silence, without actions demonstrating permission, cannot be assumed to show consent. Consent to some form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. An individual's manner of dress or the existence of a current or past dating relationship between two or more individuals does not, in and of itself, constitute consent to engage in a particular sexual activity. Consent is informed and voluntary and can be revoked at any time and for any reason.

When alcohol or other drugs are being used, an individual will be considered unable to give valid consent if he or she cannot fully understand the details of the sexual interaction because he or she lacks the capacity to reasonably understand the situation. Individuals who consent to sexual activity must be able to understand what they are doing. Under this policy, "No" always means "No", and "Yes" may not always mean "Yes". Anything but a clear, knowing, and voluntary consent to any sexual activity is equivalent to a "No".

Force

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcome resistance or produce consent.

- A. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another.
- B. Sexual activity with someone who is known to be or, based on the circumstances, should have known to be, mentally or physically incapacitated (by alcohol or other drug use, unconsciousness, or blackout), constitutes a violation of this policy.
 - 1. Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent.
 - 2. This policy also covers an individual whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of rape drugs. Possession, use, and/or distribution of any of these substances, is prohibited and administering one of these drugs to another individual is a violation of this policy.
 - 3. Use of alcohol or other drugs will never function as a defense for any behavior that violates this policy.
 - 4. The sexual orientation and/or gender identity of individuals engaging in sexual activity is not relevant to allegations under this policy.

Gender-Based Misconduct

Gender-based misconduct, including gender-based discrimination and harassment, is conduct directed at a specific individual or a group of identifiable individuals that subjects the individual or group to treatment that adversely affects the individual's or group's employment or education on account of gender. Gender-based misconduct includes the following acts:

- A. Unwelcome conduct of a sexual nature includes, but is not limited to:
 - 1. Unwelcome physical conduct of a sexual nature, or unwelcome requests for sexual favors or other verbal conduct of a sexual nature, is made an implicit or explicit term or condition of employment or education or is used as a basis for academic or employment decisions or evaluations
 - 2. Unwelcome physical acts of a sexual nature, or unwelcome requests for creating an objectively hostile environment that substantially interferes with employment or education on account of gender; or
 - 3. Such conduct is intentionally directed towards a specific individual and has the purpose or effect of unreasonably interfering with that individual's education, employment, or participation in College activities, or creating an intimidating, hostile, or offensive atmosphere.
- B. Physical conduct that, depending on the totality of the circumstances present, including frequency and severity, may constitute gender-based harassment includes, but is not limited to:
 - 1. Unwelcome intentional touching, such as patting, hugging, or brushing against a person's body; or
 - 2. Deliberate physical interference with or restriction of movement.
- C. Verbal conduct, including oral, written, or symbolic expression, that, depending on the totality of the circumstances present, including frequency and severity, may constitute gender-based harassment includes, but is not limited to:
 - 1. Explicit or implicit propositions to engage in sexual activity;
 - 2. Gratuitous comments, jokes, questions, anecdotes, or remarks of a sexual nature about clothing or bodies;
 - 3. Gratuitous remarks about sexual activities or speculation about sexual experiences;
 - 4. Persistent, unwanted sexual or romantic attention;
 - 5. Subtle or overt pressure for sexual favors;
 - 6. Exposure to sexually suggestive visual displays, such as photographs, graffiti, posters, calendars, or other materials; or

7. Deliberate, repeated humiliation or intimidation based upon gender.
8. This policy only applies to verbal conduct that is not necessary to an argument for or against the substance of any political, religious, philosophical, ideological, or academic idea.

Hostile Environment

Hostile environment includes any situation in which there is harassing conduct that is sufficiently severe, pervasive, or objectively offensive that it alters the conditions of employment or limits, interferes with, or denies educational benefits or opportunities, from both a subjective (the alleged survivor's) and an objective (reasonable person's) viewpoint.

The determination of whether an environment is "hostile" must be based on all of the circumstances.

These circumstances could include:

- The frequency of the conduct;
- The nature and severity of the conduct;
- Whether the conduct was physically threatening;
- Whether the conduct was humiliating;
- The effect of the conduct on the alleged survivor's mental or emotional state;
- Whether the conduct was directed at more than one person;
- Whether the conduct arose in the context of other discriminatory conduct;
- Whether the conduct unreasonably interfered with the alleged survivor's educational or work performance.

Relationship Violence

Relationship violence includes physical harm or abuse and threats of physical harm or abuse arising out of a personal intimate relationship. This violence also may be called domestic abuse or spousal/partner abuse and may be subject to criminal prosecution under Minnesota state law.

Sanctions

The College reserves the right to take whatever measures it deems necessary in response to an allegation of gender-based discrimination, misconduct, or harassment (including sexual violence, sexual assault, and relationship violence) in order to protect students' and employees' rights and personal safety. Such measures include, but are not limited to, interim suspension from campus pending a hearing and reporting the matter to the local police. Not all forms of gender-based discrimination, misconduct, or harassment (including sexual violence, sexual assault, and relationship violence) will be deemed to be equally serious offenses and the College reserves the right to impose different sanctions, ranging from verbal warning to expulsion or termination, depending on the severity of the offense. The College will consider the concerns and rights of both the complainant and the individual accused of the misconduct.

Sexual Assault

Sexual assault means an actual, attempted, or threatened sexual act with another person without that person's consent. Sexual assault is often a criminal act that can be prosecuted under Minnesota law, as well as form the basis for discipline under the student conduct code and employee disciplinary standards. Sexual assault includes, but is not limited to:

1. Involvement without consent in any sexual act in which there is force, expressed or implied, or use of duress or deception upon the victim. Forced sexual intercourse is included in this definition, as are the acts commonly referred to as "date rape" or "acquaintance rape". This definition also includes the coercing, forcing, or attempting to coerce or force sexual intercourse or a sexual act on another.

2. Involvement in any sexual act when the victim is unable to give consent.
3. Intentional and unwelcome touching, or coercing, forcing, or attempting to coerce or force another to touch a person's intimate parts (defined as primary genital area, groin, inner thigh, buttocks, or breast).
4. Offensive sexual behavior that is directed at another, such as indecent exposure or voyeurism.

Stalking

Stalking is repeated or obsessive unwanted attention directed toward an individual or group that is likely to cause alarm, fear, or substantial emotional distress. In some circumstances, two instances of such behavior may be sufficient to constitute stalking. Examples of stalking include, but are not limited to:

1. Directly or indirectly, or through third parties, manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;
2. Follows, monitors, or pursues another, whether in person or through any available technological or other means;
3. Repeatedly makes telephone calls, sends text messages, or induces a survivor to make telephone calls to the perpetrator, whether or not conversation ensues;
4. Repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, through assistive devices for people with vision impairments or hearing loss, or any communication made through any available technologies or other objects;
5. Uses another's personal information, without consent, or invite, encourage, or solicit a third party to engage in a sexual act with the person

COMPLAINT PROCESS

Informal Resolution

Whenever possible and safe, a complaint should first be discussed with the individual(s) involved in the incident. If satisfactory resolution is reached after discussion with the individual(s), the student or employee should contact a Title IX Coordinator to confirm this resolution. If satisfactory resolution is not reached after discussion with the individual(s), the student or employee should contact the individual's direct supervisor to attempt to resolve the complaint. If these efforts are unsuccessful, the formal complaint process may be initiated. The College does not require a student or employee to contact the individual(s) involved or that individual's direct supervisor if doing so is impracticable or if the student or employee believes the conduct cannot be effectively addressed through informal measures.

Formal Complaint

Notice of a formal complaint can be made in person or orally to an appropriate Responsible Employee, but the College strongly encourages submission of complaints in writing to the Title IX Coordinator or, in the absence of the Coordinator, the Title IX Investigator.

The complaint should clearly and concisely describe the alleged incident(s), when and where it occurred, and the desired remedy sought. The complaint should be signed by the complainant or, in the case of an e-mail submission, sent as an e-mail attachment, and should contain the name and all contact information for the complainant. Any supporting documentation and evidence should be referenced within the body of the formal complaint. Additionally, the complainant should submit any supporting materials as quickly as practicable.

Upon receipt of a formal complaint, the Title IX Coordinator will open a formal case file, direct the investigation, and confer with the appropriate officials on interim actions, accommodations for the alleged survivor, or other necessary remedial short-term actions.

The Title IX Investigator will then take the following steps:

1. In coordination with the Title IX Coordinator, initiate any necessary remedial actions;
2. Determine the identity and contact information of the complainant, whether that be the initiator, the alleged victim, or a College Responsible Employee;
3. Identify the policies allegedly violated;
4. Conduct an immediate initial investigation to determine whether it is more likely than not that a violation of College policy took place and what policy violations should be alleged as part of the complaint;
5. If there is insufficient evidence to support a finding that it is more likely than not that a violation took place, the complaint should be closed with no further action;
6. Meet with the complainant to finalize the complaint and prepare the notice of charges on the basis of the initial investigation;
7. If there is sufficient evidence to support continuing with an investigation, commence a thorough, reliable, and impartial investigation by developing a strategic investigation plan, including a witness list, evidence list, intended timeframe, and order of interviews for all witnesses and the accused individual, who will be given notice prior to the interview;
8. Advise both the complainant and the accused party of their right to have an advisor of their choice present at meetings and hearings related to the investigation. Notify both parties that an advisor may not participate in meetings or hearings;
9. Give both the accused party and the complainant the right to present evidence and witnesses;

10. Complete the investigation promptly and without unreasonable deviation from the intended timeline;
11. Make a finding based on a preponderance of the evidence whether a policy violation is more likely than not;
12. Present the findings, in writing, to both the complainant and the accused individual within the same timeframe. The parties may choose to accept the findings, accept the findings in part and reject them in part, or reject all findings.

Sanctions

The goals of Sanctions are to bring an end to the unwanted behavior and to reasonably prevent its reoccurrence.

When the accused individual is found not responsible for the alleged violation(s), the investigation should be closed. When the accused individual accepts the finding that they violated College policy, the Title IX Coordinator will impose appropriate sanctions for the violation, after consultation with the Title IX Investigator and other College authorities. Possible sanctions include, but are not limited to, verbal and/or written reprimand, suspension, or expulsion. In most cases, sanctions will take effect immediately, regardless of the status of an appeal.

Hearing

If an accused individual accepts the findings of the investigation, those findings cannot be appealed. If the accused or complainant rejects the findings in part or entirely, an appeal may be filed in writing within five business days of notification of the decision. Both parties will be notified when an appeal is filed.

Common grounds for appeal include, but are not limited to:

- A procedural error or omission occurred that significantly impacted the outcome of the investigation.
- To consider new evidence, unknown, or unavailable during the investigation, that could substantially impact the original findings or sanctions. A summary of the new evidence and its potential impact must be included in the written appeal.
- The sanctions imposed are substantially disproportionate to the severity of the violation.

The Title IX Coordinator will convene a Title IX Hearing Committee to determine whether the accused student or employee is in violation of the contested aspects of the complaint. In the case of an appeal, the appealing party will assume the burden of proof. At the hearing, the findings of the investigation will be admitted, but are not binding. Evidence and witnesses on behalf of both the complainant and accused will be admitted. Appeal documents will be shared with both parties and both parties will be given an opportunity to respond. The hearing will determine whether it is more likely than not that the accused individual violated the policies forming the basis of the charge. The goal of the hearing is to provide an equitable resolution via an equitable process, respecting the civil and legal rights of all participants. Once the Hearing Committee has reached a decision, both parties will be notified of the outcome in writing within the same 24-hour period.

SPECIAL COMPLAINT PROCESS PROVISIONS

Procedural Errors and/or New Information

If any party to a process of resolution and final decision related to the policy believes a procedural error has been made and/or pertinent information has come to light following such a process that has otherwise

been completed, a request to reopen the process may be submitted to the President, assuming they have not been the subject of the otherwise completed process, or the Board Chair for consideration.

Attempted Violations

In most circumstances, the College will treat attempts to commit any of the violations listed in the Gender-based Misconduct Policy as if those attempts had been completed.

College as Complainant

As necessary, the College reserves the right to initiate a complaint, to serve as a complainant, and to initiate conduct proceedings without a formal complaint by the survivor of misconduct.

Immunity for Survivors and Witnesses

The College community encourages the reporting of gender-based misconduct. Sometimes, survivors or witnesses are hesitant to report to College officials or participate in complaint processes because they fear that they themselves may be charged with policy violations. It is in the best interest of this community that as many survivors as possible choose to report to College officials and that witnesses come forward to share what they know. To encourage reporting, the College pursues a policy of offering survivors of gender-based misconduct and witnesses limited immunity from being charged for certain policy violations; for example, violation of the College's drug and alcohol policy related to the gender-based misconduct incident. While these violations cannot be completely overlooked, the College will provide educational rather than punitive responses, in such cases.

Bystander Engagement

The welfare of students and employees in our community is of paramount importance. At times, students and employees may need assistance. The College encourages students and employees to offer help and assistance to others in need. Sometimes, students and employees are hesitant to offer assistance for fear that they themselves will get into trouble. The College pursues a policy of limited or full immunity regarding certain violations for students or employees who offer to help others in need. While policy violations cannot be overlooked, the College will provide educational options rather than punishment to those who offer their assistance to others in need.

Notification of Outcomes

The outcome of a hearing is part of the educational record of the accused student and is protected from release under a federal law, FERPA. However, the College observes the legal exceptions, as follows:

1. Complainants in non-consensual sexual contact, sexual assault, sexual harassment, stalking, and relationship violence incidents have an absolute right to be informed of the outcome, essential findings, and sanctions of the hearing, in writing, without condition or limitation.
2. The College may release the name, nature of the violation, and sanction for any student or employee who is found in violation of a College policy that is a "crime of violence", including: arson, burglary, robbery, criminal homicide, sex offenses, assault, destruction/damage/vandalism of property and kidnapping/abduction. The college will release this information to the complainant in any of these offenses regardless of the outcome.

Alternative Testimony Options

For gender-based misconduct complaints and other complaints of a sensitive nature, whether the alleged survivor is serving as the complainant or as a witness, alternative testimony options will be given, such as placing a privacy screen in the hearing room or allowing the alleged survivor to testify outside the physical presence of the accused individual. While these options are intended to help make the alleged survivor more comfortable, they are not intended to work to the disadvantage of the accused.

Past Sexual History/Character

The past sexual history or sexual character of a party outside of their sexual history with the accused will not be admissible by the other party in the investigation or hearing, unless such information is determined to be highly relevant by the Chair of the Title IX Hearing Committee. All such information sought to be admitted will be presumed irrelevant and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request and must be reviewed in advance of the hearing by the Chair of the Title IX Hearing Committee. While previous conduct violations by the accused are not generally admissible as information about the present alleged violation, the Chair of the Title IX Hearing Committee may supply previous complaint information to the Title IX Hearing Committee, or may consider it themselves if they are hearing the complaint only if:

1. The accused was previously found to be responsible;
2. The previous incident was substantially similar to the present allegation, or;
3. The information indicates a pattern of behavior and substantial conformity with that pattern by the accused.

Confidentiality

The confidentiality of a complaint of gender-based discrimination, misconduct, or harassment (including sexual violence and sexual assault) and all documents, correspondence, and notes of interviews and discussion related to the investigation of a complaint will be maintained, on a need-to-know basis, to the extent permitted by law. Documentation related to the resolution of complaints or incidents of gender-based discrimination, misconduct, or harassment (including sexual violence and sexual assault) will be maintained by the Title IX Coordinator.

Prohibition of Retaliation

Students and employees are prohibited from retaliating in any way against an individual who has brought a complaint of gender-based discrimination, misconduct, or harassment (including sexual violence and sexual assault) or against any individual who has participated in an investigation of such complaints. Any person who knowingly and intentionally retaliates against an individual is subject to disciplinary action, up to and including dismissal or termination from the College.

Filing of False Complaints

Any person who knowingly and intentionally files a false complaint of gender-based discrimination, misconduct, or harassment (including sexual violence and sexual assault) is subject to disciplinary action, up to and including dismissal from the College. A person who files a complaint in good faith will not be subject to discipline.

Addendum A

CLUES (Comunidades Latinas Unidas en Servicio) – 24 Hour Hotline: 612-746-3537

Cornerstone - 24 Hour Hotline: 952-884-0330

Rape & Sexual Abuse Center, a program of Cornerstone – 24 Hour Hotline: 612-825-4357

Day One Services – 24 Hour Hotline: 1-866-223-1111

MN Coalition Against Sexual Assault – 800-964-8847; <http://www.mncasa.org>

MN Indian Women’s Resource Center – 612-728-2000

National Suicide Prevention Lifeline – 24 Hour Hotline: 800-273-8255;

<http://www.suicidepreventionlifeline.org>

OutFront MN: LGBT and Allied Communities – 800-800-0350, Ext. 3

Rape, Abuse, and Incest National Network (RAINN) – 24 Hour Hotline: 800-656-4673;

<http://www.rainn.org>

Sojourner – 24 Hour Hotline: 952-933-7422

The Men’s Line – 612-379-6367

Victim Service Provider Directory, MN Office of Justice Programs

<http://www.ojp.state.mn.us/MCCVS/SearchDirectory/Search.asp>

Walk-In Counseling Center, 2421 Chicago Avenue, Minneapolis, MN 55404, 612-870-0565

Section 2: Identify Theft Prevention Policy

2-1. Identity Theft Prevention (AKA “Red Flags Rule”) Policy

IDENTITY THEFT PREVENTION (A/K/A “RED FLAGS RULE”) POLICY

Background

The Federal Trade Commission’s Red Flags Rule (Section 114 of the Fair and Accurate Credit Transactions Act of 2003-16 C.F.R.-681.2) requires that every financial institution and creditor establish an “Identity Theft Program” tailored to its size, complexity, and the nature of its operations. Adler Graduate School is considered a creditor because we provide institutional loans to our students and allow them to defer payments of tuition and fees for services rendered.

Purpose

The purpose of the Identity Theft Prevention Program is to detect, prevent, and mitigate identity theft in connection with transactions that students, donors, faculty, and staff conduct with AGS. The program will provide policies and procedures to 1) identify and detect Red Flags; 2) respond to detected Red Flags; and 3) ensure the program is updated from time to time to reflect changes in risk profiles.

Definitions

- Identity Theft: Fraud committed using the identifying information of another person.
- Red Flag: Pattern, practice, or specific activity that indicates the possible existence of identity theft.
- Covered Account: Any account the College maintains for students that involve multiple payments or transactions. Examples of these are: institutional loans and student tuition accounts.
- Responsible Department: College department or office responsible for opening or maintaining the covered account.
- Identifying Information: Any name or number that may be used, alone or in conjunction with any other information, to identify a person. This includes name, address, telephone number, Social Security number, date of birth, government issued driver’s license or identification number, alien registration number, government passport number, employee or taxpayer identification number, unique electronic identification number, computer’s Internet Protocol address, or routing code.

Identification of Red Flags

The responsible department will evaluate the different ways students can open and access their covered accounts, i.e. Internet, mail, or physical presence. The following Red Flags can arise with the type of account access the College allows:

1. Suspicious documents - Red Flags in this category include:
 - a. Identification documents that appear to be forged or altered
 - b. Identification documents on which a person’s photograph or physical description is not consistent with the person presenting the document
 - c. Presentation of other documents with information that is not consistent with existing client information, such as the person’s signature
2. Suspicious personal identifying information - Red Flags in this category include:

- a. Identifying information, such as birth date or address that is inconsistent with other information the student provides
 - b. Identifying information presented that is consistent with found fraudulent activity, such as an invalid phone number or fictitious billing address
 - c. Social Security number, address, or phone number presented that is the same as those given by another student
 - d. Incomplete personal identifying information presented in an application
3. Suspicious account activity or unusual use of account - Red Flags in this category include:
 - a. Change of address requested for an account shortly followed by a request to change the account holder's name
 - b. Payments stop coming in on an otherwise consistently up-to-date account
 - c. Mail sent to the account holder is repeatedly returned as undeliverable
 - d. Notice to the College that a student is not receiving mail or email sent by the College
 - e. Breach of the College's computer systems
 - f. Unauthorized access to or use of the student's account information
 4. Alerts from others - Red Flags in this category include:
 - a. Notice to the College from a student, identity theft victim, law enforcement, or other person that the College has opened or is maintaining a fraudulent account for a person engaged in identity theft

Detecting Red Flags

In order to detect Red Flags in new accounts, the responsible department will take the following steps to obtain and verify the identity of the person opening the account:

- Require identifying information, such as name, date of birth, residential address, driver's license, passport, or other identification
- Verify student's identity by comparing person to photo identity

For existing accounts, before providing information, the responsible department personnel will verify the validity of the identification of the student and the validity of their request. The student's request may be made in person, via phone, fax, mail, or email and can pertain to address changes, account balances, etc.

Preventing and Mitigating Identity Theft

In the event the responsible department's personnel detect or identify Red Flags and, depending on the risk level of the identified flag, they will do one or a combination of the following:

- Continue to monitor the account for further evidence of identity theft
- Contact the student
- Contact other College departments who may also need to act on the incident
- Change passwords or other security devices that permit access to account
- Decline to open an account
- Close an existing account and/or open an account with a new number

The Red Flags Committee will decide if law enforcement needs to be notified or if no further action is warranted under the circumstances.

Protecting Student Identifying Information

In order to prevent the likelihood of identity theft occurring at the College, the responsible departments will add the following steps to their internal procedures:

- Ensure that the College websites are secure or provide clear notice to students when they are not secure due to technical difficulties

- Ensure that department and personal computers' virus protection software is current
- Ensure that department personnel securely dispose of paper and electronic files containing student information
- Ensure that computers are password protected and computer screens lock after a reasonable time
- Ensure that desks and computer screens are clear of student information when meeting with other students
- Ensure that department personnel request only the last four digits of a student's Social Security number when they submit requests via phone or email
- Ensure that department personnel go through the College's security verification process when student calls or emails are received
- Mail and email sensitive information only to the student's address on file
- Require and keep only the identifying information that is necessary for their department's operation

Program Administration, Oversight, and Updates

The Identity Theft Prevention Program will be administered by a Red Flags Committee staffed by the following administrators or their designees: Registrar, Director of Information Technology, Director of Financial Aid, Chief Academic Officer. The Committee will meet on an annual basis, unless a need arises to meet sooner. The Committee members will be responsible to: 1) conduct appropriate training of College employees in their area as to ensure consistency in the use of the identity protection measures described in this policy; b) review any staff reports regarding detection of Red Flags and the steps needed/used to prevent, mitigate, or correct identity theft in those cases where it has been detected; and c) evaluate the College's experience with identity theft issues, risk changes in students, and College profile to determine if those factors warrant changes to the program, its procedures, or policies.

Staff Training and Reporting

The expectation is that the Red Flags Committee for the Identity Theft Prevention Program will conduct training in their respective areas to ensure that the responsible departments' personnel are implementing the program.

Third Party Service Providers

From time to time, the College contracts with third party service providers to perform activities, i.e. payment processing, collection agencies, transcript processing, etc., in connection with covered accounts. When services are contracted, the responsible department will ensure the service provider performs its activities in accordance with reasonable policies and procedures designed to detect, prevent, and mitigate the risk of identity theft. College departments implementing these contracts should ensure that the third-party providers have identity theft prevention programs in place. The agreement with those contractors should also require that the contractors report any Red Flags to the College for internal follow up.

Section 5: Professional Development Policy

Professional Development Funds for Training/Seminar Request

The request for training is part of your professional development goals. The process entails identifying, with your supervisor, knowledge and/or skills that would benefit your own professional development and your contribution to Adler Graduate School. The request is then reviewed by the Leadership Group if you are Staff or the Academic Council if you are Faculty.

In order to qualify for funding for Professional Development faculty or staff would have had to be an employee for a year. This replaces the former Professional Development funding policy.

Section A: Employee Request

Name: _____ Date: _____

Job title _____ Supervisor: _____ Time of employment _____ Years _____

Check one:

Seminar College Course Workshop Conference other: _____

Title of the activity: School or organization name: _____ Location: _____ Dates of attendance _____ Number of training hours _____

Cost Conference/Tuition: _____ Travel _____ Lodging _____ What

specific knowledge or skill will you learn? _____

Is the training Adlerian, or an Adlerian Conference, for example NASAP or ICASSI, and/or are you presenting at the conference?

Yes No Please describe training if yes: _____

How will the acquired knowledge or skill help improve your performance and/or prepare you for more advanced responsibilities? _____

How will the acquired knowledge benefit the Adler Graduate School community _____

Employee Signature _____

Attach a description of the training with a completed registration form and forward to your supervisor for approval. It will then be reviewed for staff by the Leadership Group or faculty by the Academic Council

Section B: Approvals

Review and approve based on appropriateness, cost, scheduling, and quality of training.

Approved _____ Denied _____

If approved, describe how the training will benefit the College _____

If approved describe any conditions or expectations for payment and demonstration of learning _____

If denied, provide an explanation: _____

Supervisor signature: _____ Date _____

Leadership Group or Academic Council representative signature: _____ Date _____

Human resources signature if not the same as above: _____ Date _____

If approved, forward to accounting

Return this completed request form to Human Resources (HR) HR will return a copy of this request form and the original training registration form to the employee to complete the registration.

Section 5-1. Rubric to Training and Professional Development Request

Rubric: Training and Professional Development Funds

Checklist: The following items need to be addressed in the application and narrative. All information must be included for your application to be considered.

Item / Criteria	2 = Meets	1 = Somewhat Meets	0 = Does not Meet
Description	Provides description of the training that <i>clearly aligns</i> with discipline, as applied to your area of contribution at AGS.	Description is <i>vaguely aligned</i> with discipline, as applied to your area of contribution at AGS.	Missing or unrelated to discipline, as applied to your area of contribution at AGS.
Teaching Load (Faculty Only)	Full Time or AAPL	Part Time (6+ Credits per year)	Part Time (less than 6 credits per year)
Position Ranking	Chair, Director, Full Time (5+ years).	Full Time (4 years or less) Part Time Staff or Faculty (1+ years)	Less than one year – in house training only. See application.
Hours (Staff Only)	Full Time Equivalent	Part Time Equivalent	-----
Previous awards	Has not been approved for funds within the past 12 months.	Has had approved funds but did not exceed \$750.00.	Has been approved for funds exceeding \$750.00 within the past 12 months.
Adlerian Conference / Presenting	Requested training is an Adlerian conference and/or applicant is representing Adler Graduate School through presenting.	Requested training has an Adlerian component. Applicant is not presenting.	Requested training does not have an Adlerian component nor is the applicant presenting.
Goals / Skills to be learned	<i>Goals and/or skills</i> for the training are appropriate for the nature of the event and the candidate's discipline, as applied to your area of contribution at AGS.	<i>Goals and/or skills</i> listed are vague for the nature of the event or the candidate's discipline, as applied to your area of contribution at AGS.	Missing and/or goals are not appropriate for candidate's discipline.
Outcomes: contributions to the discipline (e.g., improved performance, skill development)	Describes how candidates' attendance will <i>contribute</i> to their improved performance and/or skill development, AND/OR Describes how the candidate will use information gained from this event to further their discipline.	Missing some information or information is unclear in order to make decision. Request more information.	Does not describe a clear contribution to discipline or professional development
Outcomes: contributions to teaching / student learning / school community (please include how it may relate to the vision and/or mission of school).	Describes how candidates' attendance will contribute to student learning and/or Adler community, AND/OR Describes how the candidate will use information gained from this event to further activities related to student learning.	Missing some information or information is unclear in order to make decision. Request more information.	Does not describe contribution to teaching, student learning, or the school community.

Total: _____

_____16 – 14 Points (approval up to \$1,500.00)

_____13 – 11 (approval up to \$750.00)

_____10 – below (not approved for funding

OR not approved due to missing and/or unclear information)

***Please attach to original request



PERSONNEL ACTION FORM

Employee Name: _____ Effective Date: _____

Home Dept: _____ Position: _____

PERSONNEL CHANGES:

Name Change – Attach copy of Marriage certificate

Address Change: _____

City _____ State _____ Zip _____

New Phone Number: _____ cell home work

Tax Withholdings: Single Married # of exemptions _____ Additional amount withheld _____

***Attach new W-4 Form

BENEFIT CHANGES:

New Classification: _____ PT FT Adjunct # hrs/wk ***Attach official change letter if necessary

Salary Change: _____ old rate new rate Reason for Change (i.e. market adjustment, promotion, etc.)

Benefit Change due to Qualifying Event: _____

LOA Effective date: _____ Expected return: _____
Type of Leave FMLA Personal Military Other _____

Status Change _____

Termination: _____
Reason: _____

Voluntary Involuntary Retired Lay-off Other: _____
Eligible for rehire? Yes No

Benefits End Date: _____ COBRA Notice sent: _____ Eligibility date to request COBRA: _____

Return completed form to your supervisor. Supervisor route to the HR Department

Employee signature Date President signature Date

Supervisor signature Date HR signature Date