

# Annual Security Report Policies and Procedures

Updated: September 18, 2024

## Introduction

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), requires that all institutions who participate in Federal Title IV programs, without exception, prepare, publish, and distribute an Annual Security and Fire Safety Report, including the campus policies regarding reporting criminal offenses. The Clery Act is enforced by the U.S. Department of Education.

Design's School of Cosmetology (DSC) strives to ensure the safety of all students, staff, and clients and has developed a broad set of policies and procedures to ensure the safety of everyone. Design's School of Cosmetology will publish their Annual Security Report by October 1st of each year and will notify all students and employees when the report is available on the school's website at [www.designsschool.edu](http://www.designsschool.edu).

All students and employees are encouraged to report crimes, suspicious activities, injuries resulting from criminal offenses and all other security problems. Students and employees who wish to report a crime, injury, or other security offense may do so by contacting the School Director, who will then notify the local police department. If you are experiencing a life-threatening emergency, please call 9-1-1. In the event the School Director determines that a situation constitutes an ongoing or continuing threat, a campus-wide timely warning will be issued.

DSC does not take any retaliatory action against anyone with respect to the implementation of any provision under this act. DSC does not have any on campus housing, nor do we recognize any off-campus student organizations that would be covered under this act.

Anyone may obtain a paper copy of the Annual Security Report for free through the Director of Student Services.

Kyle Balsdon

School Director

## Security Contacts

Kyle Balsdon  
School Director  
805.237.8575  
[kyle@designsschool.edu](mailto:kyle@designsschool.edu)

Jason Skinner  
Administrator  
805.237.8575  
[jason@designsschool.edu](mailto:jason@designsschool.edu)

City of Paso Robles Police Department  
Emergency 9-1-1  
Non-Emergency 805.237.6464

## Campus Authorities, Jurisdiction, Campus Access, & Reporting Crimes

### Campus Security Authorities and Jurisdiction

Campus Security Authorities (Owners, School Director, & Administrator) have the authority to question all persons on school property to determine their legitimate presence and to escort unauthorized persons to the proper office or off school property, control the actions of persons violating school rules or local, state, or federal laws and cooperate with all local, state, or federal agencies should that become necessary.

Campus Security Authorities do not possess arrest power. Criminal incidents are referred to local police (City of Paso Robles), who have jurisdiction on this campus. Campus Security Authorities maintain a highly professional working relationship with local police. All crime victims and witnesses are strongly encouraged to immediately report crime to Campus Security Authorities and the appropriate police agency. All reports will be investigated. DSC does not have procedures for voluntary, confidential reporting of crime statistics through pastoral or professional counselors. When a potentially dangerous threat arises to the DSC campus, its students, employees, or clients, timely reports or emergency warnings will be issued.

### Campus Access

During business hours, DSC is open to students, staff, and general public. Admittance to the school is permitted only at designated entrances. Emergency exits are located in each classroom and are only accessible from the outside by key. During non-business hours DSC's facilities are only accessible by key through the main entrance. Only designated officials for the school are in possession of the facilities key.

### Timely Warnings

In the event that a situation arises, either on or off campus, constitutes an ongoing or continuing threat; the Administrator or his designee will determine how much information is appropriate to issue a Timely Warning notice. These Warnings notices will be distributed if the incident is reported either directly to the security authority at the institution or indirectly from an allied police agency.

Timely warnings can be distributed as in-class announcement, electronically via mass e-mail, texting, voice mail or posting notice on the Institution web site at [www.designsschool.edu](http://www.designsschool.edu), on bulletin boards, or on the exterior doors of campus buildings. Once all the relevant information is received, these notices will be posted as soon as possible. Anyone with information warranting a timely warning should report the circumstances to the Paso Robles Sheriff's Dispatch by calling (805-227-7500) or 911, or in person at the Paso Robles Police Department located at 900 Park Street, Paso Robles, CA 93446.

### Emergency and Disaster Responses and Notification

In the event of an emergency, the Administrator or his designee have the responsibility to give instructions to students and staff, close and lock doors, and provide other required safety and first aid measures unless otherwise directed by the Police Department or other properly identified emergency personnel. The institution will, without delay, take into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

The institution tests the emergency response and evacuation procedures on at least an annual basis each calendar year, including tests that may be announced or unannounced. Tests are regularly scheduled drills, include exercises and appropriate follow-through activities, designed for assessment and evaluation of the School's emergency plans and capabilities. Documentation for each test, including a description of the

exercise, the date and time, and whether it was announced or unannounced, can be found in the administrative office. All staff members and students are instructed to do the following in the event of:

- **Fire:** Call 9-1-1 and quickly gather at the most South Eastern corner of the property near the institution's outdoor sign to report for roll call.
- **Earthquake:** Stay away from the large glass windows and protect yourself under a desk or doorframe.

Contact Personnel:

The following personnel are responsible for carrying out the actions described above and may be contacted by calling (805) 237-8575.

Kyle Balsdon  
Director  
kyle@designsschool.edu

### **Emergency Response and Evacuation**

Students will be immediately notified of any significant emergency or dangerous situation involving an immediate threat to their health and safety. Campus Security Authorities and/or local authorities will, without delay, and taking into account the safety of the community, confirm a significant emergency exists, determine who to notify, determine the content and means of the notification, and initiate the notification system. In the event the emergency requires persons within the school to evacuate, everyone should process calmly to the nearest exit and reconvene at the school's designated evacuation area. Evacuation plans are posted in different locations throughout the school and are also distributed to each student at orientation. Emergency exits are marked, and all exit doors remain unlocked during school hours. In the event an emergency requires persons within the school to seek shelter, everyone should proceed calmly to the school's designated shelter area. Everyone must remain in the designated shelter area until released by campus security authorities.

### **Reporting Crime & Other Emergencies**

DSC encourages students, employees, and the general public to voluntarily report crimes and other emergencies to Campus Security Authorities and the local police in a timely manner. DSC is limited in its ability to hold reports of crime in confidence as all reports are available for public examination. In case of an emergency at DSC, dial 9-1-1. Non-emergency numbers are listed under the appropriate security contact on the previous page.

## CAMPUS CRIME REPORT

DSC’s Director prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The report is prepared in cooperation with the local law enforcement agencies surrounding our campus.

Campus crime, arrest, and referral statistics include those reported to Campus Security Authorities and local law enforcement agencies. Copies of the report may be obtained from the School Director or by calling 805.237.8575. All prospective employees may obtain a copy from the School Director or by calling 805.237.8575.

To Report A Crime: Contact the School Director at 805.237.8575 (non-emergencies) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen loitering inside or around the DSC building should be reported to the School Director.

Offense	On Campus			Non Campus			Public Property		
	2021	2022	2023	2021	2022	2023	2021	2022	2023
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	1	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>Arrests &amp; Disciplinary Referrals</b>									
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Law Arrests Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0

**Hate Crimes** – There were no Hate Crimes reported for 2021, 2022, or 2023.

## Awareness and Prevention Programs

### **Security Awareness Programs**

Prior to enrollment, all prospective students are provided a school catalog containing policies, procedures, and practices. At orientation, students will again review the catalog in full, including campus security policies, procedures, and practices. All active students and employees receive updated campus crime data and information on campus security procedures and practices annually no later than October 1st as part of the school's annual security report and crime disclosure.

### **Crime Prevention Programs**

For information on crime prevention programs and tips, students and employees are encouraged to contact the local police department's crime prevention unit. DSC does not offer on-campus crime prevention programs.

### **Off-Campus Student Organizations**

DSC does not officially recognize any off-campus student organizations.

### **Purpose of Awareness and Prevention Programs**

These programs are meant to encourage students and employees to be aware of their responsibility of their own security and the security of others in reporting and preventing crime. Students and employees should be assertive, trust your instincts, don't prop open self-locking doors, watch your keys, watch out for unwanted visitors, be wary of isolated spots, travel in groups or pairs, stay or walk in well-lit areas, report suspicious activities or persons, lock vehicles and personal belongings, and know where local police and campus authorities can be reached at any time.

## On-Campus Prohibition of Drugs or Alcohol

### **Employees**

As a condition of employment, employees will notify the school of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction. Within 30 days of the employee's notification of the first conviction, the school will either terminate the employee or require written documentation from the employee that he/she has entered a rehabilitation program. A second conviction will result in termination.

### **Students**

The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or abuse of alcohol by anyone on DSC's property or as a part of any school activity is prohibited. Students taking prescribed or over-the-counter medication which may affect one's ability to function should so inform the School Director or Director of Student Services. If a final determination is made that any student of DSC is found to be abusing alcohol or using, possessing, manufacturing, or distributing controlled substances in violation of the law on school property or at school events, they shall be subject to, at a minimum, the referral of counseling and automatic and immediate suspension or dismissal from the school. DSC imposed sanctions are additional to any legal actions taken by local, state, or federal authorities.

## Dissemination of Information

### Employees

The school will distribute to all employees by October 1st:

1. This policy statement
2. Information concerning health hazards of substance abuse
3. Information concerning legal sanctions involved with the illegal use of drugs and alcohol
4. Information concerning drug counseling or rehabilitation
5. Information concerning sex offenses and offenders

### Students

Items 1-5 in the employee dissemination section above will be provided to students prior to enrollment.

## Drug Free Workplace

The National Institute on Drug Abuse estimates that one in every five workers ages 18-25 and one in every eight workers age 26-34 uses drugs on the job. While it is difficult to put a price tag on the cost to employers of the theft, low morale, impaired judgement, high absenteeism, and high turnover cause by substance abuse, employers are aware of these costs and attempt to ascertain that a person is not a potential substance abuser before hiring them.

## Alcohol & Drug Prevention Policy

DSC, in its policies, supports and endorses the Federal Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or abuse of alcohol by anyone on school property or as part of a school event is prohibited. Students taking prescribed or over the counter medication which may affect one's abilities should notify the proper campus administration. The health risks associated with the use of illicit drugs and alcohol are:

- Alcohol: May provide a feeling of confidence and being in control. Those likely to be addicted may have an enzyme deficiency that allows them a high rate of consumption without drunkenness, encouraging a belief that since one doesn't obviously get drunk, no harm is done. The tolerance is only on the surface. Liver, brain, heart, and stomach destruction goes on even without apparent symptoms. Over time, beer, wine, and wine coolers, as well as hard liquor, often cause dependency and may be fatal
- Marijuana: Use of marijuana may impair or reduce short-term memory and comprehension, altar sense of time, and reduce ability to perform task requiring concentration and coordination, such as driving a car. Research shows that knowledge retention may be lower when information is given while the person is "high". Motivation and cognition are altered, making the acquisition of new information difficult. Marijuana can also product paranoia and psychosis. The tar in marijuana smoke is a highly irritating carcinogenic. Long-term use may develop psychological dependence.
- Cocaine: Chronic use can cause ulceration of the mucous membrane in the nose. Cocaine can produce psychological dependency, a feeling that the use cannot function without the drug. Crack or free-base rock, a concentrated form of cocaine, is extremely potent. Its effects are felt within ten seconds of administration. Physical effects include dilated pupils, increased pulse rate, elevated blood pressure, insomnia, loss of appetite, tactile hallucinations, paranoia, and seizures. Cocaine use may lead to death through disruption of the brain's control of heart and respiration



- Amphetamines and other stimulants: Stimulants can cause increased heart rate, elevated blood pressure, dilated pupils, and decreased appetite. In addition, users may perspire, experience headaches, blurred vision, dizziness, sleeplessness, and anxiety. Extremely high doses can cause rapid or irregular heartbeat, tremors, loss of coordination, and even physical collapse. An amphetamine injection creates a sudden increase in blood pressure that can result in stroke, very high fever, or heart failure. In addition to the physical effects, users report feeling restless, anxious, and moody. Higher doses intensify the effects. Long term use in large amounts can develop psychosis that includes hallucination, delusions, and paranoia.
- Narcotics (Heroin, Methadone, Morphine, Opium, Codeine): Tolerance to narcotics develop rapidly and dependence is likely. The use of unsterilized needles may result in transmission of diseases such as AIDS, endocarditis, and hepatitis. Addiction in pregnant women can lead to premature, stillborn, or addicted infants. An overdose may produce slow and shallow breathing, clammy skin, convulsions, coma, and death.
- Depressants: The use of depressants can cause both physical and psychological dependence. Regular use overtime may result in tolerance to the drug, leading the user to increase the quantity consumed. Very large doses can cause respiratory depression, coma, and death. The combination of depressants and alcohol can increase the effects of the drugs, thereby multiplying the risks. When regular users stop taking depressant drugs, they may develop withdrawal symptoms ranging from restlessness, insomnia, and anxiety to convulsions and death. Babies born to mothers who abuse depressants during pregnancy may be physically dependent on the drugs and show withdrawal symptoms shortly after they are born. Birth defects and behavioral problems have been associated with these children.
- Hallucinogens: Chronic users of PCP report persistent memory problems and speech difficulties. Mood disorders (depression, anxiety, and violent behavior) also occur. In later stages, chronic users often exhibit paranoid and violent behavior and experience hallucinations. Large doses of PCP may product convulsions, coma, heart and lung failure, or ruptured blood vessels. LSD, mescaline, and psilocybin cause illusions and hallucinations. The physical effects may include dizziness, weakness, tremor, nausea, and drowsiness. Sensations and feelings may change rapidly. It is common to have a bad psychological reaction to these drugs. The user may experience pain, confusion, suspicion, anxiety, and loss of control. Delayed effects, or flashbacks, can occur even after the use has ceased.
- Designer Drugs: Underground chemists modify the molecular structure of certain illegal drugs to produce analogs known as designer drugs. These drugs can be hundreds of times stronger than they are designed to imitate. Examples include but are not limited to: ecstasy, PCP, LSD, GHB, and Ketamine

#### **FEDERAL PENALTIES AND SANCTIONS FOR POSSESSION OF A CONTROLLED SUBSTANCE**

- 21 U.S.C. 844 1st conviction: Up to one-year imprisonment and fined at least \$1,000, or both. After 1 prior drug conviction: At least 15 days in prison, not to exceed 2 years, and fined at least \$2,500. After 2 or more prior drug convictions: At least 90 days in prison, not to exceed 3 years, and fined at least \$5,000. Special sentencing provisions for possession of substance with a cocaine base: Mandatory 5 years in prison or more, not to exceed 20 years, and fined a minimum of \$1,000, or both if: (a) First conviction and the amount of crack possessed exceeds 5 grams. (b) Second crack conviction and the amount of crack possessed exceeds 3 grams. (c) Third or subsequent crack conviction and the amount of crack possessed exceeds 1 gram.
- 21 U.S.C. 853(a)(2) and 881(a)(7) Forfeiture of personal and real property used to possess or to facilitate possession of a controlled substance if that offense is punishable by more than one-year imprisonment.
- 21 U.S.C. 881(a)(4) Forfeiture of vehicles, boats, aircraft, or any other conveyance used to transport or conceal a controlled substance.

- 21 U.S.C. 862 Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to one year for first offense, up to five years for second and subsequent offenses.
- 16 U.S.C. 922(g) Ineligible to receive or purchase a firearm.

## Alcohol & Drug Prevention & Treatment

### PREVENTION AND TREATMENT CENTERS

San Luis Obispo County Drug and Alcohol Services, (Atascadero, CA)

San Luis Obispo Drug & Alcohol, (San Luis Obispo, CA)

### HOTLINES

Alcoholics Anonymous  
1-800-356-9996

American Council on Alcoholism Help Line  
1-800-527-5344

National Institute on Drug Abuse Hotline  
1-800-662-HELP

Cocaine Hotline  
1-800-COCAINE

National Council on Alcoholism  
1-800-NCA-CALL

## Information About Registered Sex Offenders

Convicted sex offenders are required by law to register with the law enforcement agency having jurisdiction where the offender lives. Information regarding registered sex offenders can be obtained from the local Paso Robles Police Department at (805)227-7500.

Police Department Physical Address:  
900 Park Street  
Paso Robles, CA 93446

In addition, Megan's Law makes information on "serious" and "high-risk" sex offenders in their local community available to adults and organizations. Available Megan's Law information includes: Name and known aliases, Age and sex, Physical description (including scars, marks and tattoos), Photograph, (if available), Crimes resulting in registration, County of residence, Zip code (based on last registration). The California Sex Offenders Registry may be found at [www.meganslaw.ca.gov/](http://www.meganslaw.ca.gov/).

## DESIGNS SCHOOL OF COSMETOLOGY

### SEX-BASED HARASSMENT POLICY & GRIEVANCE PROCEDURES

#### Introduction

Designs School of Cosmetology (the “School”) is committed to providing a working and educational environment for all students, faculty, and staff that is free from sex discrimination, including sex-based harassment. Every member of the School community should be aware that the School is strongly opposed to sex-based harassment, and that such behavior is prohibited by state and federal laws.

The School does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment. Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides:

*No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.*

As part of the School’s commitment to providing a working and learning environment free from sex-based harassment, this Policy shall be disseminated widely to the School community through publications, the School website, new employee orientations, student orientations, and other appropriate channels of communication. The School provides training to key staff members to enable the School to handle any allegations of sex-based harassment promptly and effectively. The School will respond promptly to all reports of sex-based harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

#### Scope of the Policy

Designs School of Cosmetology has adopted sex-based harassment grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, the Title IX Coordinator, or other individuals who are participating or attempting to participate in its education program or activity. These grievance procedures address complaints of sex-based harassment that involve a student party.

The School encourages victims of sex-based harassment to talk to somebody about what happened – so victims can get the support they need, and so the School can respond appropriately. As further described in this Policy, the School will seek to respect a victim’s request for confidentiality to the extent possible, while remaining ever mindful of the victim’s well-being.

#### Prohibited Conduct

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Sex-based harassment includes a School employee conditioning the provision of a School aid, benefit, or service on an individual’s participation in unwelcome sexual conduct. Unwelcome sex-based conduct that is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the School’s education program or activity (*i.e.*, creates a hostile environment) also constitutes sex-based harassment. Sexual assault, stalking, domestic violence, and dating violence are all forms of sex-based harassment. Retaliation following an incident of alleged sex-based harassment or attempted sex-based harassment is

strictly prohibited. The definitions for specific acts of sex-based harassment can be found in the Definitions of Key Terms at the end of this Policy statement.

Sex-based harassment can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender. **This Policy prohibits all forms of sex-based harassment.**

## **Options for Assistance Following an Incident of Sex-based harassment**

The School strongly encourages any victim of sex-based harassment to seek immediate assistance. Seeking prompt assistance may be important to ensure a victim's physical safety and to obtain medical care. The School strongly advocates that a victim of sex-based harassment report the incident in a timely manner. Time is a critical factor for evidence collection and preservation.

### **Reporting Incidents of Sex-Based Harassment**

Victims of sex-based harassment may file a report with the Paso Robles Police Department. Victims may also file a report with the School's Title IX Coordinator. More information about reporting an incident of sex-based harassment can be found in Section 6 of this Policy, below.

A complainant may choose for an investigation to be pursued through the criminal justice system and/or through the School's grievance procedures as describe in this Policy. The School and the criminal justice system work independently from each other. Law enforcement officers do not determine whether a violation of this Policy has occurred. The Title IX Coordinator will guide the complainant through the available options and support the complainant in his or her decision.

### **Supportive Measures**

The School's Title IX Coordinator will work with all students affected by sex-based harassment to ensure their safety and support their wellbeing. This assistance may include providing supportive measures to support and/or protect a student after an incident of sex-based harassment and while an investigation or disciplinary proceeding is pending. "Supportive measures" means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to (1) restore or preserve that party's access to the School's education program or activity, including measures that are designed to protect the safety of the parties or the School's educational environment; or (2) provide support during the School's grievance procedures or during an informal resolution process.

Supportive measures may include:

- counseling,
- extensions of deadlines or other course-related adjustments,
- campus escort services,
- increased security and monitoring of certain areas of the campus,
- restrictions on contact applied to one or more parties,
- leaves of absence,
- changes in class, work housing, or extracurricular or other activity, and
- training and education programs related to sex-based harassment.

The School will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that it can reasonably do so and to the extent maintaining such confidentiality

would not impair the ability of the School to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

The measures needed by each student may change over time, and the Title IX Coordinator will communicate with each student throughout any investigation to ensure that any supportive measures are necessary and effective based on the students' evolving needs. Students who report an incident of sex-based harassment may also be able to obtain a formal protection order from a civil or criminal court. The School will work with the student and the applicable court to assist in the enforcement of any such protective orders.

### **Support Services Available.**

Counseling, advocacy, and support services are available for complainants, whether or not a complainant chooses to make an official report or participate in the School's grievance procedures or criminal process.

**Designs School of Cosmetology does not provide counseling or health care services.**

Sex-based harassment crisis and counseling options are available locally and nationally through a number of agencies, including:

Sexual Assault Center

24-Hour Crisis & Support Line is available for immediate assistance for ongoing support. The line is operated by trained staff and volunteers. Please call 866-811-RISE (7473) for immediate Crisis & Support Line services.

Cyndy Smith

Marriage & Family Therapist, MS, LMFT

(805) 633-4985

Paso Robles, CA

### **Evidence Preservation**

Victims of sexual assault, domestic violence, or dating violence should consider seeking medical attention as soon as possible. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen where they were assaulted so that evidence necessary to prove criminal activity may be preserved. In circumstances where the victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address health concerns. Victims of sex-based harassment are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful in connection with a School or police investigation.

### **Title IX Coordinator**

The School's Title IX Coordinator is responsible for monitoring and overseeing the School's compliance with Title IX and the prevention of sex-based harassment and discrimination. The Title IX Coordinator is:

- Knowledgeable and trained in School policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a complainant, respondent, or a third party, about School and community resources and reporting options;
- Available to provide assistance to any School employee regarding how to respond appropriately to a report of Title IX-related prohibited conduct and related retaliation;
- Participates in ensuring the effective implementation of this Policy, including monitoring compliance with all procedural requirements, record keeping, and timeframes; and

- Responsible for overseeing training, prevention, and education efforts and annual reviews of climate and culture.

Inquiries or concerns about Title IX may be referred to the School's Title IX Coordinators:

Jason Skinner  
2727 Buena Vista Drive Ste. 105  
Paso Robles, CA 93446  
Phone: (805) 237-8575  
Email: jason@designsschool.edu

## **Reporting Policies and Protocols**

Designs School of Cosmetology strongly encourages all members of the School community to report information about any incident of sex-based harassment as soon as possible. Reports can be made to the School and/or to law enforcement.

### **Reporting to the School**

The following individuals have a right to make a complaint of sex-based harassment, requesting that the School investigate and make a determination about alleged sex-based harassment under Title IX:

- A "complainant," which includes:
  - a student or employee of the School who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - a person other than a student or employee of the School who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the School's education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- The School's Title IX Coordinator.

The School may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Any person may report sex discrimination, including sex-based harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sex-based harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed in Section 5 for the Title IX Coordinator. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.

While there is no time limit for reporting, reports of sex discrimination or harassment should be brought forward as soon as possible. All incidents should be reported even if significant time has elapsed, but prompt reporting will better enable the School to respond, investigate, provide an appropriate remedy, and impose discipline if appropriate. The School is committed to supporting the rights of a person reporting an incident of sex discrimination including sex-based harassment to make an informed choice among options and services available.

The School will respond to all reports in a manner that treats each individual with dignity and respect and will take prompt responsive action to end any discrimination, prevent its recurrence, and address its effects.

### **Reporting to Law Enforcement**

An incident of sex-based harassment can be reported to law enforcement at any time, 24 hours a day/7 days a week, by calling 911. At the complainant's request, the School will assist the complainant in contacting law enforcement. If the complainant decides to pursue the criminal process, the School will cooperate with law enforcement agencies to the extent permitted by law. A complainant has the option to decide whether or not to participate in any investigation conducted by law enforcement. Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam)

### **Reporting of Crimes & Annual Security Reports**

Campus safety and security are important issues at Designs School of Cosmetology. Our goal is to provide students with a safe environment in which to learn and to keep students, parents, and employees well informed about campus security. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or Clery Act, requires institutions of higher education to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sex-based harassment under this Policy.

Each year the School prepares this report to comply with the Clery Act. The full text of this report can be located on the School's web site at [designsschool.edu](http://designsschool.edu). This report is prepared in cooperation with the local law enforcement agencies around our campuses. Each year notification is made to all enrolled students and employees that provides the web site to access this report. Copies of the report may also be obtained in person from the School Director or by calling 805.237.8575. All prospective employees may also obtain a copy from the School Director.

### **Timely Warnings & Emergency Notifications**

In the event that a situation arises, either on or off campus, that, in the judgment of the School Director constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The Director will also immediately notify the School community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring at the School, unless issuing a notification will compromise efforts to contain the emergency. The warning will be issued through the most effective and efficient means available and may include instant messaging to students and School employees. Notices may also include email messages, text messages, the posting of flyers in the School buildings, and in-class announcements. Anyone with information warranting a timely warning or emergency notification should report the circumstances to the School Director by phone at 805.237.8575 or in person at the School.

### **Third-Party and Anonymous Reporting**

In cases where sex-based harassment is reported by someone other than the complainant (by an instructor, classmate, or friend, for example), the Title IX Coordinator will promptly notify the complainant that a report has been received. This Policy and the Procedures will apply in the same manner as if the

complainant had made the initial report. The Title IX Coordinator will make every effort to meet with the complainant to discuss available options and resources. Reports from an anonymous source will be treated in a similar fashion.

### **No Retaliation**

The School prohibits retaliation against any individual for the purpose of interfering with any right or privilege secured by Title IX or, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in a Title IX investigation, proceeding, or hearing. The School will take strong responsive action if retaliation occurs. Any incident of retaliation should be promptly reported to the Title IX Coordinator or the School Director.

Except as may otherwise be required by law, the School will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness.

Charging an individual with a violation of the School's conduct policies for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

### **Coordination With Drug Free School Policy**

Students may be reluctant to report instances of sex-based harassment because they fear being disciplined pursuant to the School's alcohol or drug policies. The School encourages students to report all instances of sex-based harassment and will take into consideration the importance of reporting sex-based harassment in addressing violations of the School's alcohol and drug policies. This means that, whenever possible, the School will respond educationally rather than punitively to student alcohol or drug policy violations associated with reported sex-based harassment.

### **School Policy on Confidentiality**

The School encourages victims of sex discrimination including sex-based harassment to talk to somebody about what happened – so victims can get the support they need, and so the School can respond appropriately.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sex-based harassment or other forms of sex discrimination. The School encourages victims to talk to someone identified in one or more of these groups.

### **Privileged and Confidential Communications – Professional & Pastoral Counselors**

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim's permission. *The School does not provide professional or pastoral counseling, but can assist a victim of sex-based harassment in obtaining support services from these groups or agencies.* Contact information for these support organizations is listed in Section 4 of this Policy.

**NOTE:** While these professional and pastoral counselors and advocates may maintain a victim's confidentiality vis-à-vis the School, they may have reporting or other obligations under state law.



**ALSO NOTE:** If the School determines that the alleged perpetrator(s) pose a serious and immediate threat to the School's community, the School Director may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

### **Reporting to the School**

Complainants are encouraged to report incidents of sex-based discrimination to the Title IX Coordinator. The Title IX Coordinator contact information is listed in Section 5 of this Policy and is also published on the School's website and in the School's catalog. Note that all School employees have a duty to notify the Title IX Coordinator of any conduct that reasonably may constitute sexual discrimination. To the extent possible, information reported to the Title IX Coordinator will be shared only with people responsible for handling the School's response to the report. The Title IX Coordinator should not share information with law enforcement without the complainant's consent or unless the complainant has also reported the incident to law enforcement or unless otherwise required by law.

Before a complainant reveals any information to the Title IX Coordinator, the Coordinator should ensure that the complainant understands the Coordinator's reporting obligations – and, if the complainant wants to maintain confidentiality, direct the complainant to confidential resources. If the complainant wants to tell the Title IX Coordinator what happened but also maintain confidentiality, the Coordinator should tell the complainant that the School will consider the request but cannot guarantee that the School will be able to honor it.

The Title IX Coordinator will not pressure a complainant to request confidentiality, but will seek to honor and support the complainant's wishes, including for the School to fully investigate an incident. By the same token, the Title IX Coordinator will not pressure a complainant to make a complaint and initiate a School investigation if the complainant is not ready to do so.

### **Requesting Confidentiality: How the School Will Weigh the Request and Respond**

If a complainant discloses an incident to the Title IX Coordinator but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the School must weigh that request against the School's obligation to provide a safe, non-discriminatory environment for all students, including the complainant.

If the School honors the request for confidentiality, a complainant must understand that the School's ability to investigate the incident and pursue disciplinary action against the respondent will be limited. A complainant may provide the Title IX Coordinator with confidential knowledge of alleged sex-based harassment and receive supportive measures from the School without the complainant filing a complaint and initiating an investigation. Although rare, there are times when the School may not be able to honor a complainant's request in order to provide a safe, non-discriminatory environment for all students. The Title IX Coordinator will evaluate requests for confidentiality. When weighing a complainant's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the respondent will commit additional acts of sex-based harassment or other violence, such as:
  - whether there have been other sex-based harassment complaints about the same respondent;
  - whether the respondent has a history of arrests or records from a prior institution indicating a history of violence;
  - whether the respondent threatened further sex-based harassment or other violence against the complainant or others;

- whether the sex-based harassment was committed by multiple respondents;
- Whether the sex-based harassment was perpetrated with a weapon;
- Whether the complainant is a minor;
- Whether the School possesses other means to obtain relevant evidence of the sex-based harassment (e.g., security cameras or personnel, physical evidence);
- Whether the School has a legal obligation to report the harassment to the police or otherwise take action;
- Whether the complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the Title IX Coordinator to initiate a complaint. If none of these factors is present, the School will likely respect the complainant's request for confidentiality.

**If the School determines that it cannot maintain a complainant's confidentiality**, the School will inform the complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the School's response. The School will remain ever mindful of the complainant's well-being, and will take ongoing steps to protect the complainant from retaliation or harm and work with the complainant to create a safety plan. Retaliation against the complainant, whether by students or School employees, will not be tolerated. The School will also:

- assist the complainant in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance;
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of course schedules (including for the respondent pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the complainant of the right to report a crime to local law enforcement – and provide the complainant with assistance if the complainant wishes to do so.

The School may not require a complainant to participate in any investigation or disciplinary proceeding. Because the School is under a continuing obligation to address the issue of sex-based harassment campus-wide, reports of sex-based harassment (including non-identifying reports) will also prompt the School to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sex-based harassment occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/ victimization surveys; and/or revisiting its policies and practices.

**If the School determines that it can respect a complainant's request for confidentiality**, the School will also take immediate action as necessary to protect and assist the complainant. This includes the Title IX Coordinator promptly contacting the complainant to discuss the availability of supportive measures. A complainant's request for confidentiality will limit the School's ability to investigate a particular matter. The School may take steps to limit the effects of the alleged sex-based harassment and prevent its recurrence without initiating formal action against the respondent or revealing the identity of the student complainant. Examples include: providing increased monitoring, supervision, or security at locations or activities where the harassment occurred; providing training and educational materials for students and employees; revising and publicizing the School's policies on sex-based harassment; and conducting climate surveys regarding sex-based harassment.

A complainant who at first requests confidentiality may later decide to file a complaint with the School or report the incident to local law enforcement, and thus have the incident fully investigated.

**Off-campus Counselors and Advocates.** Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the School unless the complainant requests the disclosure and signs a consent or waiver form. Contact information for these off-campus resources can be found in Section 4 of this Policy.

## **Grievance Procedures and Protocols**

Once the School has knowledge of conduct that reasonably may constitute sex discrimination in its education program or activity, it will respond promptly and effectively. The Title IX Coordinator will take the following actions upon being notified of conduct that reasonably may constitute sex discrimination:

- Treat the complainant and respondent equitably.
- Offer and coordinate supportive measures, as appropriate, for the complainant. If the School has initiated grievance procedures or offered an informal resolution process to the respondent, the Title IX Coordinator will offer and coordinate supportive measures as appropriate, for the respondent.
- Notify the complainant, or if the complainant is unknown, the individual who reported the conduct, of the School's grievance procedures and the informal resolution process.
- If a complaint is made, notify the respondent of the grievance procedures and the informal resolution process.
- In response to a complaint, initiate the School's grievance procedures or informal resolution process.
- Regardless of whether a complaint is initiated, take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the School's education program or activity, in addition to providing remedies to an individual complainant.

The School presumes that the respondent is not responsible for the alleged sex discrimination unless and until a determination of responsibility is made at the conclusion of its grievance procedures.

The School's Title IX Coordinator oversees the School's investigation, response to, and resolution of all reports of prohibited sex-based harassment, and of related retaliation, involving students, faculty, and staff. In response to a complaint, the Title IX Coordinator will initiate the grievance procedures under this Policy, or the informal resolution process described below if appropriate and requested by all parties.

In the absence of a complaint or upon the withdrawal of any or all of the allegations in a complaint, and in the absence or termination of an informal resolution process, the Title IX Coordinator shall determine whether to initiate a complaint of sex discrimination or harassment and the grievance procedures set forth in this Policy. To make this fact-specific determination, the Title IX Coordinator must consider, at a minimum, the following factors:

- 1) The complainant's request not to proceed with initiation of a complaint;
- 2) The complainant's reasonable safety concerns regarding initiation of a complaint;
- 3) The risk that additional acts of sex discrimination or harassment would occur if a complaint is not initiated.
- 4) The severity of the alleged sex discrimination or harassment, including whether the discrimination or harassment, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- 5) The age and relationship of the parties, including whether the respondent is an employee of the School;
- 6) The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;

- 7) The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- 8) Whether the School could end the alleged sex discrimination or harassment and prevent it recurrence without initiating these grievance procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the complainant or other person, or that the conduct as alleged prevents the School from ensuring equal access on the basis of sex to its education program or activity, the Title IX Coordinator may initiate a complaint. If initiating a complaint under this provision, the Title IX Coordinator will notify the complainant prior to doing so and appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures.

The School requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. As long as there is no conflict of interest or bias, a decisionmaker may be the same person as the Title IX Coordinator and/or investigator. The School will inform the complainant and respondent of the investigator and the decisionmaker at the beginning of any grievance process and at least two days before any formal interviews have begun. A complainant and/or respondent may challenge the participation of an investigator or decisionmaker because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made to the Title IX Coordinator. At its discretion, the Title IX Coordinator will determine whether such a conflict of interest exists and whether an investigator or decisionmaker should be replaced.

Consistent with the goal to maximize educational opportunities and minimize the disruptive nature of the investigation and resolution, the Title IX Coordinator seeks to resolve all reports in a timely manner. In general, an investigation and decision may take up to 30 days, from receipt of a complaint from the complainant or the Title IX Coordinator's decision to proceed with an investigation. The Title IX Coordinator may set reasonable time frames for required actions under the Policy. Those time frames may be extended for good cause as necessary to ensure the integrity and completeness of the grievance procedures, comply with a request by external law enforcement, accommodate the availability of witnesses, accommodate absences or delays by the parties, the need for language assistance or accommodation of disabilities, account for School breaks or vacations, or address other legitimate reasons, including the complexity of the investigation (including the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged conduct. Any extension of the timeframes, and the reason for the extension, will be shared simultaneously with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Where necessary, the School will take prompt steps to protect complainants pending the final outcome of an investigation, including the provision of supportive measures to the complainant and/or the respondent. The School may remove a respondent from the School's education programs or activities on an emergency basis, provided that the School (1) undertakes an individualized safety and risk analysis, (2) determines that an imminent and serious threat to the physical health or safety of any student or other individual arising from the allegations of sex discrimination justifies removal, and (3) provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. The School may place a non-student employee respondent on administrative leave during the pendency of a grievance process.

The School will take steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

The School will objectively evaluate all evidence that is relevant and not otherwise impermissible - including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by the School to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the School obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Both the complainant and respondent will have the opportunity to submit written statements and other relevant information to the investigator. Each of the complainant and respondent will have the opportunity to review any written submissions by the other. The investigator may set reasonable parameters for these written submissions.

### **Notice**

Upon initiation of these Title IX grievance procedures, the School will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- The School's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence; and

- The School prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, the School decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

### **Dismissal of a Complaint**

The School may dismiss a complaint if:

- The School is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in the School's education program or activity and is not employed by the School;
- The School obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and the School determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination including sex-based harassment under Title IX even if proven; or
- The School determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination including sex-based harassment under Title IX. Before dismissing the complaint, the School will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the School will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the School will notify the parties simultaneously in writing.

The School will notify the complainant that a dismissal may be appealed on the bases outlined in the Appeals section of these grievance procedures. If dismissal occurs after the respondent has been notified of the allegations, then the School will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, the School will follow the procedures outlined in the Appeals section.

When a complaint is dismissed, the School will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the School's education program or activity

### **Informal Resolution**

Informal resolution, when selected by all parties and deemed appropriate by the Title IX Coordinator, is a path designed to eliminate the conduct at issue, prevent recurrence of the conduct, and remedy its effects in a manner that meets the safety and welfare of the School community. If all parties voluntarily agree to participate in an informal resolution that does not involve a full investigation and adjudication after receiving a complaint and if the School determines that the particular complaint is appropriate for such a process, the School will facilitate an informal resolution to assist the parties in reaching an informal resolution. The School retains the discretion to determine which cases are appropriate for informal resolution.

Informal resolution may include: conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the discrimination occurred; facilitating a meeting with the respondent with the complainant present; and any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy.

Informal resolution may also include restorative principles that are designed to allow a respondent to accept responsibility for harassment and acknowledge harm to the complainant or to the School community. Restorative models will be used only with the consent of both parties and following a determination by the Title IX Coordinator that the matter is appropriate for a restorative approach. The School will not compel parties to engage in mediation or to participate in any particular form of informal resolution. Participation in informal resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation and adjudication at any time, including if informal resolution is unsuccessful at resolving the complaint.

In connection with any informal resolution process, the School will provide written notice to the parties disclosing the allegations and the requirements of the informal resolution process. The School will notify the parties that any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the complaint any time before agreeing to a resolution. If the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations. The School must obtain the parties' voluntary, written consent to the informal resolution process. The informal resolution process may not be utilized to resolve allegations that an School employee sexually harassed a student.

The time frame for completion of informal resolution may vary, but the School will seek to complete the process within 15 days of all the parties' request for informal resolution.

### **Investigation and Decision Process**

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the School and not on the parties. The Title IX Coordinator is responsible for the investigation and determination of a complaint. The Title IX Coordinator may serve as the investigator and decisionmaker. Alternatively, the Title IX Coordinator may designate a specially trained investigator (or team of investigators) to conduct the investigation and make the determination of whether the alleged conduct violates this Policy.

The School's process for responding to, investigating, and adjudicating sex-based harassment reports will continue during any law enforcement proceeding. The investigator may need to temporarily delay an investigation while the police are gathering evidence but will resume the investigation after learning that

the police department has completed its evidence-gathering and will generally not wait for the conclusion of any related criminal proceeding.

The School will provide written notice of the date, time, location, participants, and purpose of all meetings or proceedings to a party whose participation is invited or expected, with sufficient time for the party to prepare to participate.

The School will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney. The School will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding. The School may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

The School will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

The School will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

The School will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The School will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- The School will provide an equal opportunity to access the relevant and not otherwise impermissible evidence;
- The School will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party;
- The School will provide a reasonable opportunity to review and respond to the evidence; and
- The School will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

### **Questioning the Parties and Witnesses**

The investigator will interview the complainant, respondent, and any witnesses. They will also gather pertinent documentary materials (if any) and other information. The School will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate. Each party shall have an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence. The School will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

The decisionmaker will question the parties and any identified witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment. More specifically:

- The investigator or decisionmaker will ask such questions during individual meetings with a party or witness;



- Each party will be provided the opportunity to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Each party will be provided with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

### **Procedures for the investigator to evaluate the questions and limitations on questions**

The investigator will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The investigator will give a party an opportunity to clarify or revise a question that the investigator determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked. The investigator may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The investigator will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

### **Determining Whether Sex-Based Harassment Occurred**

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the School will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. Preponderance of the evidence means that the decisionmaker must be convinced based on the information it considers that the respondent was more likely than not to have engaged in the conduct at issue in order to find the respondent responsible for violating the Policy. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
  - A description of the alleged sex-based harassment;
  - Information about the policies and procedures that the decisionmaker used to evaluate the allegations;
  - The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
  - When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions the School will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the School to the complainant, and, to the extent appropriate, other students identified by the School to be experiencing the effects of the sex-based harassment; and
  - The School's procedures and permissible bases for the complainant and respondent to appeal.
- The School will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:

- Coordinate the provision and implementation of remedies to a complainant and other people the School identifies as having had equal access to the School’s education program or activity limited or denied by sex discrimination;
- Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
- Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the School’s education program or activity.
- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that the School provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

## **Sanctions and Other Remedies**

The decisionmaker shall be responsible for imposing sanctions that are:

- Fair and appropriate given the facts of the particular case;
- Consistent with the School’s handling of similar cases;
- Adequate to protect the safety of the campus community; and
- Reflective of the seriousness of sex-based harassment.

No disciplinary sanctions or other actions that are not supportive measures will be imposed against a respondent until the completion of the School’s grievance procedures, including any applicable appeal. The decisionmaker will consider relevant factors, including if applicable: (1) the specific sex-based harassment at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (2) the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the respondent’s state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the complainant; (5) the respondent’s prior disciplinary history; (6) the safety of the School community; and (7) the respondent’s conduct during the disciplinary process. The sanctioning decision will be communicated in writing to the complainant and the respondent as part of the decisionmaker’s written determination.

The School may impose any one or more of the following sanctions on a student determined to have violated the Policy:

- Reprimand/warning
- Changing the respondent’s academic schedule
- Disciplinary probation
- Restricting access to School facilities or activities
- Community service
- Issuing a “no contact” order to the respondent or requiring that such an order remain in place
- Dismissal or restriction from School employment
- Suspension (limited time or indefinite)
- Expulsion

In addition to any other sanction (except where the sanction is expulsion), the School may require any student determined to be responsible for a violation of the Policy to receive appropriate education and/or

training related to the sex-based harassment violation at issue. The School may also recommend counseling or other support services for the student.

Whatever the outcome of the grievance process, a complainant may request ongoing or additional supportive measures and the Title IX Coordinator will determine whether such supportive measures are appropriate. Potential ongoing supportive measures include:

- Providing an escort for the complainant
- Changing the complainant's academic schedule
- Allowing the complainant to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class

The School may also determine that additional measures are appropriate to respond to the effects of the incident on the School community. Additional responses for the benefit of the School community may include:

- Increased monitoring, supervision, or security at locations or activities where the harassment occurred
- Additional training and educational materials for students and employees
- Revision of the School's policies relating to sex-based harassment
- Climate surveys regarding sex-based harassment

## **Appeals**

Either the respondent or the complainant or both may appeal from a determination regarding responsibility, and from the School's dismissal of a complaint or any allegations therein, on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

If a party appeals a dismissal or determination whether sex-based harassment occurred, the School will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that the School will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

The appealing party must submit the appeal in writing to the Title IX Coordinator within seven calendar days after receiving the written determination regarding responsibility. If either the complainant or respondent submits an appeal, the Title IX Coordinator will notify the other that an appeal has been filed

and the grounds of the appeal. The non-appealing party may submit a written response within seven days after notice of an appeal.

If on appeal the School concludes that a change in the decisionmaker's determination is warranted, the School may enter a revised determination or return the matter for additional investigation. If both the complainant and respondent appeal, the appeals will be considered concurrently.

The decision maker will issue a written decision describing the result of the appeal and the rationale for the result, and provide the written decision simultaneously to both parties. Appeals decisions will be rendered within 15 calendar days after the receipt of the written appeal. All appeal decisions are final.

## **Records Disclosure & Recordkeeping**

Disciplinary proceedings conducted by the School are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the School without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances. Any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct or required to be produced through other compulsory legal process.

Additional information about FERPA can be found on the School's website at [designsschool.edu](http://designsschool.edu).

The School will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the School 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.

The School will maintain for a period of not less than seven years records of –

- a) Any actions, including any supportive measures, taken in response to a report or complaint of sex-based harassment
- b) Each sex-based harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript from a hearing conducted in response to a complaint, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the School's education programs or activities;
- c) Any appeal and the result therefrom;
- d) Any informal resolution and the result therefrom; and
- e) All materials used to train Title IX Coordinators, investigators, decisionmakers, and any person who facilitates an informal resolution process. The School will make these training materials available upon request by members of the public.

## **Education and Prevention Programs**

The School is committed to offering educational programs to promote awareness and prevention of Prohibited Conduct. Educational programs include an overview of the School's policies and procedures; relevant definitions, including prohibited conduct; discussion of the impact of alcohol and illegal drug use; consent; safe and positive options for bystander intervention; review of resources and reporting options available for students, faculty, and staff; and information about risk reduction. Incoming students and new employees will receive primary prevention and awareness programming as part of their orientation.

As part of the School's commitment to provide an educational and work environment free from Prohibited Conduct, this Policy will be disseminated widely to the School community through e-mail communication, publications, websites, new employee orientations, student orientations, and other appropriate channels of communication.

The Title IX Coordinator, investigators, decisionmakers, and anyone else who is involved in responding to, investigating, or adjudicating sex-based harassment will receive annual training from experts in the field. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sex-based harassment.

### **Definitions of Sexual Misconduct under California Law**

*California law provides the following definitions with respect to incidents of sexual assault:*

*The California Education Code states that "sexual assault" includes, but is not limited to: rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or the threat of any of these. (Ed. Code, § 67380(c)(3).)*

*Cal. Pen. Code § 261(a) defines "Rape" as an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:*

- *Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent*
- *Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another*
- *Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance*
- *Where a person is at the time unconscious of the nature of the act*
- *Where a person submits under the belief that the person committing the act is someone known to*
- *Where the act is accomplished against the victim's will by threat*

*California Penal Code § 646.9 defines "Stalking" as any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking.*

*Under California law, Cal. Pen. Code § 13700(b), "Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating*

*or engagement relationship. Factors that may determine whether persons are cohabiting include, but are not limited to,*

- *sexual relations between the parties while sharing the same living quarters,*
- *sharing of income or expenses,*
- *joint use or ownership of property,*
- *whether the parties hold themselves out as husband and wife,*
- *the continuity of the relationship, and*
- *the length of the relationship.*

*The California Penal Code does not define "Dating Violence." However, the California Department of Public Health provides the following definition of Teen Dating Violence:*

*Teen Dating Violence (TDV), also known as Adolescent Relationship Abuse (ARA), can be defined as violence and/or abuse among two adolescents, ages 10-24 in a current, past and/or potential romantic relationship, including physical, verbal, emotional, sexual, economic, technological, and stalking, where there is an imbalance of power and a pattern of coercion over time.*

*Under California Education Code, Cal. Ed. Code § 67386, "Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity.*

- *It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity.*
- *Lack of protest or resistance does not mean consent, nor does silence mean consent.*
- *Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time.*
- *The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.*

*In the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative*

*consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:*

- *The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.*
- *The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.*

*In the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that*

*the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:*

- *The complainant was asleep or unconscious.*
- *The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.*
- *The complainant was unable to communicate due to a mental or physical condition.*

## **Bystander Intervention**

The School's primary prevention and awareness program includes a description of safe and positive options for bystander intervention. Active bystanders take the initiative to help someone who may be targeted for a sexual assault. They do this in ways that are intended to avoid verbal or physical conflict. Active bystanders also take the initiative to help friends, who are not thinking clearly, from becoming offenders of crime. Intervention does not mean that you directly intervene to stop a crime in progress; rather, these steps are "early intervention" – before a crime begins to occur. There are three important components to consider before taking action that we refer to as the ABCs:

- **Assess for safety.** Ensure that all parties are safe, and whether the situation requires calling authorities. When deciding to intervene, your personal safety should be the #1 priority. When in doubt, call for help.
- **Be with others.** If it is safe to intervene, you are likely to have a greater influence on the parties involved when you work together with someone or several people. Your safety is increased when you stay with a group of friends that you know well.
- **Care for the person.** Ask if the target of the unwanted sexual advance/attention/behavior is okay – does he or she need medical care? Ask if someone they trust can help them get safely home.

## **Risk Reduction**

The School's primary prevention and awareness program includes information on risk reduction. This includes:

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

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

*Safety Planning.* Things to think about:

- How to get away if there is an emergency? Be conscious of exits or other escape routes. Think about options for transportation (car, bus, subway, etc.).
- Who can help? Friends and/or family, or support centers in your area. Please see Section 4 of this Policy for a list of support organizations.
- Where to go? Options may include a friend's house or relative's house, or you may consider going to a domestic violence or homeless shelter. You may also go to the police. **Important Safety Note:** If the dangerous situation involves a partner, go to the police or a shelter first.
- What to bring? This may include important papers and documents such birth certificate, social security card, license, passport, medical records, lease, bills, etc. This will also include house keys, car keys, cash, credit cards, medicine, important numbers, and your cell phone. If you are bringing children with you, remember to bring their important papers and legal documents. You can keep all of these things in an emergency bag. You should hide the bag—it is best if it is not in your house or car. If the bag is discovered, you can call it a “tornado” or “fire” bag.

*Protecting Your Friends.* You have a crucial role to play in keeping your friends safe. No matter what the setting, if you see something that doesn't feel quite right or see someone who might be in trouble, there are some simple things you can do to help out a friend.

- Distract. If you see a friend in a situation that doesn't feel quite right, create a distraction to get your friend to safety. This can be as simple as joining or redirecting the conversation: suggest to your friend that you leave the party, or ask them to walk you home. Try asking questions like: “Do you want to head to the bathroom with me?” or “Do you want to head to another party – or grab pizza?”
- Step in. If you see someone who looks uncomfortable or is at risk, step in. If you feel safe, find a way to de-escalate the situation and separate all parties involved. Don't be shy about directly asking the person if they need help or if they feel uncomfortable.
- Enlist others. You don't have to go it alone. Call in friends or other people in the area as reinforcements to help defuse a dangerous situation and get the at-risk person home safely. There is safety in numbers.
- Keep an eye out. Use your eyes and ears to observe your surroundings. If you see someone who has had too much to drink or could be vulnerable, try to get them to a safe place. Enlist friends to help you. Even if you weren't around when the assault occurred, you can still support a friend in the aftermath.

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

- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.

- If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others). *Information on Risk Reduction was provided by RAINN: Rape, Abuse & Incest National Network: [www.rainn.org](http://www.rainn.org).*

## **Amendments**

The School may amend the Policy or the Procedures from time to time. Nothing in the Policy or Procedures shall affect the inherent authority of the School to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the School community.

## **SEX-BASED HARASSMENT POLICIES & GRIEVANCE PROCEDURES**

### **Definitions of Key Terms**

Complainant means:

- 1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
- 2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the School's education program or activity at the time of the alleged sex discrimination.

Complaint means an oral or written request to the School that objectively can be understood as a request for the School to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Disciplinary sanctions means consequences imposed on a respondent following a determination under Title IX that the respondent violated the School's prohibition on sex discrimination.

Party means a complainant or respondent.

Relevant means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies means measures provided, as appropriate, to a complainant or any other person the School identifies as having had their equal access to the School's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the School's education program or activity after the School determines that sex discrimination occurred.

Respondent means a person who is alleged to have violated the School's prohibition on sex discrimination.

Retaliation means intimidation, threats, coercion, or discrimination against any person by the School, a student, or an employee or other person authorized by the School to provide aid, benefit, or service under the School's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.



Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

- 1) Quid pro quo harassment. An employee, agent, or other person authorized by the School to provide an aid, benefit, or service under the School's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- 2) Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the School's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - (i) The degree to which the conduct affected the complainant's ability to access the School's education program or activity;
  - (ii) The type, frequency, and duration of the conduct;
  - (iii) The parties' ages, roles within the School's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - (iv) The location of the conduct and the context in which the conduct occurred; and
  - (v) Other sex-based harassment in the School's education program or activity; or
- 3) Specific offenses.
  - (i) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
  - (ii) Dating violence meaning violence committed by a person:
    - A. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
    - B. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
      1. The length of the relationship;
      2. The type of relationship; and
      3. The frequency of interaction between the persons involved in the relationship;
  - (iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:
    - A. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the School, or a person similarly situated to a spouse of the victim;
    - B. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
    - C. Shares a child in common with the victim; or
    - D. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
  - (iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
    - A. Fear for the person's safety or the safety of others; or
    - B. Suffer substantial emotional distress.

Consent - The School uses an **affirmative consent** standard to determine whether a sexual assault complainant consented to the alleged conduct. "Affirmative consent" is defined as an affirmative,

conscious, and voluntary agreement to engage in sexual activity. Neither the lack of protest or resistance nor silence constitutes consent, and consent may be withdrawn at any time. Affirmative consent must be given by all parties to sexual activity. For the purpose of evaluating complaints during the disciplinary process described under this Policy, it is not a valid excuse that the respondent believed the complainant consented if: (A) the respondent's belief arose from his or her own intoxication or recklessness, or (B) the respondent did not take reasonable steps to ascertain whether the complainant affirmatively consented. Similarly, it will not be a valid excuse that the respondent believed the complainant affirmatively consented where the respondent knew or reasonably should have known that the complainant was unable to consent because he or she was: (A) asleep or unconscious, (B) incapacitated due to drugs/alcohol/ medication, or (C) unable to communicate due to a mental or physical condition.

Supportive measures means individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- 1) Restore or preserve that party's access to the School's education program or activity, including measures that are designed to protect the safety of the parties or the School's educational environment; or
- 2) Provide support during the School's grievance procedures or during an informal resolution process.