



**2022 ANNUAL SECURITY REPORT**

**JD ACADEMY OF SALON + SPA**

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**[www.jdacademy.com](http://www.jdacademy.com)**

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## **JD ACADEMY OF SALON + SPA SAFETY & SECURITY INFORMATION**

Campus safety and security are important issues at JD Academy of Salon + Spa. 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 provide students and families with the information they need to make informed decisions. The following policies and procedures are established to comply with the Clery Act.

### **A. Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the Director constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The Director will immediately notify the Academy 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 Academy, 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 email messages, text messages, the posting of flyers in the Academy buildings, in-class announcements, or other appropriate means. Notices may also be posted in the common areas throughout the Academy. Anyone with information warranting a timely warning should report the circumstances to the Director or President by phone at (925) 855-5551 or in person at the Academy.

### **B. Reporting the Annual Disclosure of Crime Statistics**

The Academy prepares this report to comply with the Clery Act. The full text of this report can be located on our web site at [www.jdacademy.com](http://www.jdacademy.com). This report is prepared in cooperation with the local law enforcement agencies around our campus.

Campus crime, arrest and referral statistics include those reported to the Danville Police, designated campus officials (including but not limited to the Director), and other law enforcement agencies.

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 Director or by calling (925) 855-5551. All prospective employees may obtain a copy online or from the Director.

### **C. Reporting of Criminal Offenses**

JD Academy of Salon + Spa encourages anyone who is the victim or witness to any crime or other emergency to report the incident as soon as possible. Contact the Director or President at (925) 855-5551 (non-emergencies) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen loitering inside or around the Academy buildings should be reported to the Director.

Reports may also be made to the Academy’s Campus Security Authorities, or CSAs. Under Federal law, the definition of CSAs includes individuals/offices designated by the Academy as those to whom crimes should be reported; and officials with significant responsibility for student and campus activities. If an Academy staff member has “significant responsibility” for students and campus activities outside of the classroom, and students potentially could report a crime / incident to that staff member, then they are a CSA. CSAs are defined by function, not title. For the JD Academy of Salon + Spa, CSAs include the Academy’s Owner, Director, Financial Aid Director, Executive Assistant, and Registrar.

For off campus options you may contact the Danville Police Department at (925) 314-3700 for non-emergencies. You should always dial 9-1-1 for emergency situations.

The Danville Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the Danville Police Department cannot hold reports of crime in confidence.

#### **D. Confidential Reporting**

JD Academy of Salon + Spa encourages anyone who is the victim or witness to any crime to report the incident as soon as possible. All reports will be investigated. Violations of the law will be referred to the Danville Police Department. When a potentially dangerous threat to the Academy community arises, timely reports or warnings will be issued through email messages, text messages, the posting of flyers in the Academy buildings, in-class announcements, or other appropriate means.

If you are the victim of a crime and do not want to pursue action within the campus or criminal justice systems, you may still want to consider making a confidential report. With your permission, the Director or President can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the Academy can keep an accurate record of the number of incidents occurring on campus properties. In addition, this will determine where there is a pattern of crime regarding a location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the Academy.

#### **E. Access Policy**

Only students, employees and other parties having business with the Academy should be on Academy property. All visitors to JD Academy must register at the front desk upon entering. All rear access doors leading to the campus are closed and locked during evening hours starting at 9:00 PM. When the school closes for the night, the school's official or supervisor will inspect each floor and room to see that it is empty and then set the alarm and lock down the campus. Other individuals present on Academy property at any time without the express permission of the appropriate school official(s) shall be viewed as trespassing and may as such be subject to a fine and, or arrest. In addition, students and employees present on school property during periods of non-operation without the express permission of the appropriate Academy official(s) shall also be viewed as trespassing and may also be subject to a fine and, or arrest.

#### **F. Campus Security Authority and Jurisdiction**

This Academy does not employ campus security personnel and encourages both its employees and students to immediately report suspected criminal activity or other emergencies to the nearest available school official and/or in the event of emergency to directly contact local law enforcement or other emergency response agencies by dialing 911.

Academy officials have no powers of arrest other than the Citizen's Arrest Law, and are required in the event of a crime or emergency to call the correct agency or dial 911 for the police and emergency services. The Citizen's Arrest Law will be invoked only as a last resort, and after all other possibilities have been explored. Employees shall contact their immediate or nearest supervisor to report any criminal action or emergency to appropriate agency by calling 911. The Director is not authorized to arrest individuals but does have the authority to detain suspected criminal offenders if it is deemed safe to do so. If possible, the Director shall attempt to non-violently deal with the crime or emergency with the appropriate agency. Individual discretion must be used, as undue risk should not be taken.

The Academy currently has no procedures for encouraging or facilitating pastoral or professional counseling (mental health or otherwise), other than the student or employee is encouraged to seek such aid.

#### **G. Security Awareness and Prevention 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 on October 1st as part of the school's annual security report and crime disclosure.

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

Though the Academy does not offer regularly scheduled crime awareness or prevention programs, students are encouraged to exercise proper care in seeing to their personal safety and safety of others. The following is a description of policies, rules, and programs designed to inform students and employees about the prevention of crimes on campus.

1. Do not leave personal property in classrooms.
2. Report any suspicious persons to your school official.
3. Always try to walk in groups outside the school premises.
4. If you are waiting for a ride, wait within sight of other people.
5. Employees (staff and faculty) will close and lock all doors and windows and turn off lights when leaving a room.
6. The "Crime Awareness and Campus Security Act" is available upon request to students, employees (staff and faculty) and prospective students.
7. The school has no formal program, other than orientation, that disseminates this information. All information is available upon request.
8. Information regarding any crimes committed on the campus or leased/attached properties (parking lot) will be available for 60 business days during normal business hours, unless the disclosure is prohibited by the law, would jeopardize the confidentiality of the victim or an ongoing criminal investigation, would jeopardize the safety of an individual, would cause a suspect to flee or evade detection, or would result in the destruction of evidence. Once the reason for the lack of disclosure is no longer in force, the school shall disclose the information. If there is a request for information that is older than 60 days, that information must be made available within two business days of the request.

#### **H. Criminal Activity Off Campus**

The JD Academy of Salon + Spa does not provide law enforcement services to off-campus activities on behalf of the Academy.

#### **I. Emergency Response Preparation and Evacuation**

The Director has overall responsibility for coordinating and implementing the Emergency and Response Evacuation Plan. The Director will ensure that the Academy's emergency evacuation procedures have been informed to the students and staff.

**Evacuation Procedure.** Evacuation should take place if it is determined that it is safer outside than inside the building (fire, explosion, intruder) and staff, students and visitors can safely reach the evacuation location without danger.

The Director will call or designate another to immediately call public safety (911) (police, fire and emergency responders) to give notice the Academy has been evacuated. The Director will communicate the need to evacuate the building to the occupants by in-class announcements. The Director will determine evacuation routes based on location of the incident and type of emergency and communicate changes in evacuation routes based on location and type of emergency. The Director will communicate when it is safe to re-enter the building.

Academy team member responsibilities:

- Instruct students and guests to exit the building using the designated emergency exit routes or as directed by the Director.

- Use a secondary route if the primary route is blocked or hazardous.
- Help those needing special assistance.
- Do not lock classroom doors when leaving, close door and turn off lights.
- Do not stop for student or staff belongings.
- Take class roster, phone lists, first-aid kit and other emergency supplies with you. Check the bathrooms, hallways and common areas for visitors, staff or students while exiting.
- Go to designated evacuation assembly area (minimum of 50 feet from building is required in fire evacuation and 300 feet from building for bomb threat, chemical spill inside building, or other directed evacuations).
- When outside the building, check for injuries.
- Account for all students. Immediately report any missing or injured students to the Director.
- Wait for additional instructions.

**Lockdown Procedure.** Lockdown is the initial physical response to provide a time barrier during an active shooter/intruder event. Lockdown is not a stand-alone defensive strategy. When securing in place, this procedure should involve barricading the door and readying a plan of evacuation or counter tactics should the need arise.

The Director will make an announcement that the Academy is experiencing an emergency situation and that it is now under lockdown. The Director will designate staff to call 9-1-1, identify the name and address of the Academy, describe the emergency, state the Academy is locking down, and provide intruder description and weapon(s) if known. The Director will instruct staff to stay on the phone to provide updates and additional information.

Academy team member responsibilities:

- Clear the hallway and bathrooms by your room, moving everyone into the classroom.
- Lock your doors.
- Move any large objects in front of the door to barricade door. All moveable items such as chairs should be used as well.
- Take attendance and be prepared to notify the Director or local law enforcement of missing students or additional students, staff or guests sheltered in your classroom.
- Do not place students in one location within the room. In the event that entry is gained by a shooter or intruder, students should consider exiting by running past the shooter/intruder.
- Staff and students may utilize methods to distract the shooter/intruder's ability to accurately shoot or cause harm, such as loud noises or aiming and throwing objects at the shooter/intruder's face or person.
- Allow no one outside of the classroom until the Director or local law enforcement gives the "All Clear" signal unless a life-threatening situation exists and a means to safe exit is available (through a window or other safe passage).
- If students and Academy personnel are outside of the school building at the time of a lockdown, Academy personnel will move students to the designated off-site assembly location.

**Shelter-In-Place Procedure.** The shelter-in-place procedure provides a refuge for students, staff and the public inside the school building during an emergency. Shelters are located in areas of the building that maximize the safety of occupants. Shelter-in-place is used when evacuation would place people at risk. Shelters may change depending on the emergency.

The Director will announce that the Academy is experiencing an emergency situation and needs to implement shelter-in-place procedures. Students, guests and staff will be directed to move to the designated shelter locations in the Academy. All students, guests and staff outside will be directed to immediately move to an inside room.

The Director and Academy staff will instruct Academy staff to close all windows and doors and, if warranted, order the shut-off of heating, ventilation and air conditioning systems to stop the inflow of outside air into the building. The Director will also designate staff to monitor radio, Internet, and other media for information on incident conditions that caused the shelter-in-place. The Director will contact and consult with public safety officials as appropriate and be prepared to announce additional procedures due to changing conditions of the incident, or to announce an "All Clear."

Academy team member responsibilities:

- Move students into designated safe areas such as inside rooms with no windows, bathrooms, utility closets or hallways without large windows or doors.
- Close classroom doors and windows when leaving.
- Have everyone kneel down and be ready to cover their heads to protect from debris, if appropriate.
- All persons must remain in the shelter until notified by the Director or public safety official that it is safe to exit.

**Fire Response Procedure.** The Academy has a policy and procedures governing fire drills and conducts fire drills as required by law. All staff are trained on how to respond in the event of a fire.

Any staff discovering fire or smoke will activate the fire alarm, and report the fire to the Director, or call 911 if conditions require and/or injured are in need of medical assistance. Staff, students and visitors will immediately evacuate the building using prescribed routes or alternate routes to the assembly areas.

No one may re-enter building(s) until it is declared safe by the fire department.

Once the fire department arrives, it is critical to follow the instructions of, and cooperate with, the fire department personnel who have jurisdiction at the scene.

The Director will call or direct staff to call 911 to confirm the alarm is active, identify the Academy name and location, provide exact location of the fire or smoke, if any staff or students are injured, and state the building is being evacuated. The Director will ensure that staff, students and visitors immediately evacuate the building using prescribed routes or alternate routes due to building debris to the assembly areas. Assembly areas may need to be relocated because of the building collapse or unsafe areas from the fire. The Director will designate staff to obtain student roll from instructors and identify any missing students.

The Director will not allow staff, students or guests to return to the building until the fire department with jurisdiction over the scene has determined that it is safe to do so and given the "All Clear".

Academy team member responsibilities:

- Take the class roster and first-aid kit and any other supplies or resources relevant to the incident and lead students as quickly and quietly as possible out of the building to the designated assembly area.
- Use alternate escape routes if the regular route is blocked or there is a safety hazard.
- Assist or designate others to assist students with functional needs.
- Close the classroom door and turn out the lights upon exiting and confirm all students and personnel are out of the classroom.
- Take attendance at the assembly area. Report any missing students or staff members and/or any injuries to the Director or the emergency response personnel at the scene.
- Keep class together and wait for further instructions.
- Remain in safe area until the "All Clear" signal has been issued.
- No one may re-enter building(s) until it is declared safe by the fire department.

**Medical Emergency Procedure.** These procedures are in place to assist staff, students and guests in the event of a medical emergency.

The Academy's staff should:

- Quickly assess the situation. Make sure the situation is safe for you to approach (i.e., live electric wires, gas leak, building damage, etc.).
- Immediately notify the Director.
- Assess the seriousness of the injury or illness.
- Call or have someone call 9-1-1 immediately. Be prepared to provide the school name and address, exact location (floor, room number); describe illness or type of injury; and age of the victim(s).
- Protect yourself against contact with body fluids (blood borne pathogens).
- Administer appropriate first aid according to your level of training until help arrives.
- Comfort and reassure the injured person. Do Not Move an injured person unless the scene is unsafe.

The Director will direct staff to call 9-1-1, if necessary, and provide appropriate information to emergency responders. The Director will send school staff with first responder/ first-aid training to the scene if this has not already occurred. The Director will assign a staff member to meet emergency medical service responders and lead them to the injured person and assign a staff member to remain with the injured person if they are transported to the hospital. If the injured person is a member of Academy personnel or a student, the Director will notify parent, guardian, or other appropriate family member of the situation, include type of injury or illness, medical care given and location where the injured person has been transported. The Director will ensure that student or staff medical information from administrative records is sent to the hospital. The Director will develop and maintain written documentation of the incident.

#### **J. Fire Prevention and Workplace Hazards**

It is the responsibility of all faculty and staff to alert the Director of any and all conditions that could potentially pose a fire hazard or other unsafe condition in or around the building. No smoking is permitted in the building and flammable chemicals are confined and stored in a locked area, meeting all OSHA requirements. Good housekeeping practices will be the responsibility of all faculty, staff and students. Waste materials are to be discarded in their proper places and all aisles, doorways, hallways and exit doors are to be kept clear at all times.

#### **K. Alcoholic Beverages or Controlled Substances**

It is the policy of JD Academy of Salon + Spa that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol is prohibited while in the workplace, on Academy premises, or as part of any Academy sponsored activities. Any employee or student violating this policy will be subject to disciplinary action up to and including termination or expulsion and referral for prosecution. The specifics of this policy can be found in the Drug and Alcohol Prevention Policy.

#### **L. Alcohol and Substance Abuse Education**

The Academy has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of information materials, referrals, and Academy disciplinary actions.

A violation of any law regarding drugs or alcohol is also a violation of the Academy's Drug and Alcohol Prevention Policy and will be treated as a separate disciplinary matter by the Academy.

Please see the Academy's Drug and Alcohol Prevention Policy, which is part of this Annual Security Report, for contact information to local mental health and substance abuse services.

### **M. Sexual Harassment Policies & Procedures**

JD Academy of Salon + Spa is committed to providing a working and educational environment for all students, faculty and staff that is free from sex discrimination, including sexual harassment. Every member of the school community should be aware that the Academy is strongly opposed to sexual harassment, and that such behavior is prohibited by state and federal laws.

The Academy's Sexual Harassment Policy is part of this Annual Security Report. It describes the Academy's programs to prevent sexual harassment, and the procedures that the Academy will follow once an incident of sexual harassment has been reported. This Policy is disseminated widely to the Academy community through publications, the Academy website, new employee orientations, student orientations, and other appropriate channels of communication. Copies of the Policy can be obtained from the Campus Director or downloading from the Academy's website at [www.jdacademy.com](http://www.jdacademy.com). The Academy provides training to key staff members to enable the Academy to handle any allegations of sexual harassment promptly and effectively. The Academy will respond promptly to all reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

The Academy's Sexual Harassment Policy governs sexual harassment that occurs in the Academy's education programs or activities. This Policy applies to all students, employees, and third parties conducting business with the Academy, regardless of the person's gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. The Academy encourages victims of sexual harassment to talk to somebody about what happened – so victims can get the support they need, and so the Academy can respond appropriately. As further described in the Policy, the Academy will seek to respect a victim's request for confidentiality to the extent possible, while remaining ever mindful of the victim's well-being.

### **N. Sexual Offender Registration**

In accordance to the Campus Sex Crimes Prevention Act of 2000, the Clery Act, and the Family Rights and Privacy Act of 1974, the Academy is providing information for where students and employees may obtain information regarding registered sex offenders. The California Sex Offenders Registry may be found at <http://www.meganslaw.ca.gov>. The Campus Sex Crimes Prevention Act requires institutions of higher education to provide a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders can be obtained.

**JD ACADEMY OF SALON + SPA  
CAMPUS CRIME REPORT**

The 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 the Director and local law enforcement agencies. Copies of the report may be obtained in the Director's Office or by calling (925) 855-5551. All prospective employees may obtain a copy from the Director or by calling (925) 855-5551.

**To Report A Crime:** Contact the Director at (925) 855-5551 (non-emergencies) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen loitering inside or around the Academy buildings should be reported to the Director.

Offense	On Campus			Non Campus			Public Property		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
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	0	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 reported hate crimes for the years 2019, 2020, or 2021.

## **JD ACADEMY OF SALON + SPA DRUG AND ALCOHOL PREVENTION POLICY**

JD Academy of Salon + Spa believes that it is very important to provide a safe environment for all of its students and employees. Substance abuse, while at work, school or otherwise, seriously endangers the safety of students and employees, as well as the general public, and creates a variety of problems including increased theft, decreased morale, decreased productivity, and a decline in the quality of services provided. It is also our Policy to prevent the use and/or presence of these substances in the school. JD Academy of Salon + Spa will strive to provide an environment conducive to making conscientious and healthy decisions when students are faced with difficult choices associated with the use of legal and illegal drugs.

It is a violation of school policy for any student to:

- Use illegal drugs or misuse prescription drugs;
- Misuse alcohol;
- Possess, trade, manufacture, distribute, dispense, buy or offer for sale alcohol, illegal and/or prescription drugs while on duty, during break periods, or on school property;
- Arrive or return to school intoxicated from use of illegal drugs, misused prescription drugs or alcohol;
- Engage in the use of illegal drugs, misuse of prescription drugs or alcohol during school hours or while on school property (including parking lots);
- Use prescription drugs or non-prescription drugs that may affect the safety of the student or fellow students, and members of the public;

No employee or student is to report to work, attend class, or participate in any activity while under the influence of one or more illegal drugs or alcohol.

Any student who is taking any prescription or non-prescription drug which might impair safety, performance, or any motor functions must advise his/her instructor or the Director before providing services under such medication.

The possession and use of alcoholic beverages by employees, students, and guest of the Academy are always subject to applicable state alcoholic beverage laws, as well as city ordinances within our service area, and the Academy's policy. Students are individually responsible for being aware of applicable laws, regulations, ordinances, and the Academy's policy for complying with them. JD Academy of Salon + Spa will assist in that endeavor by providing current information on an ongoing basis to all students.

### **Drug & Alcohol Health Risks**

Alcohol: People drink to socialize, celebrate, and relax. Alcohol often has a strong effect on people—and throughout history, people have struggled to understand and manage alcohol's power. Why does alcohol cause people to act and feel differently? How much is too much? Why do some people become addicted while others do not?

Alcohol's effects vary from person to person, depending on a variety of factors, including:

- How much you drink
- How often you drink
- Your age
- Your health status
- Your family history

While drinking alcohol is itself not necessarily a problem—drinking too much can cause a range of consequences and increase your risk for a variety of problems.

Cocaine: Cocaine is a powerfully addictive stimulant drug. Cocaine increases levels of the natural chemical messenger *dopamine* in brain circuits controlling pleasure and movement. This flood of dopamine ultimately disrupts normal brain communication and causes cocaine's high.

Short-term effects include constricted blood vessels, nausea, faster heartbeat, extreme happiness and energy, irritability and paranoia. Long-term effects include nosebleeds, severe bowel decay, higher risk of contracting HIV, hepatitis C, and other bloodborne diseases, malnourishment, restlessness, and severe paranoia with auditory hallucinations. A person can overdose on cocaine, which can lead to death.

Marijuana: Marijuana contains the mind-altering chemical THC and other related compounds. THC over-activates certain brain cell receptors, resulting in effects such as altered senses, changes in mood, impaired body movement, difficulty with thinking and problem-solving, and impaired memory and learning. Marijuana use can have a wide range of health effects, including hallucinations and paranoia, breathing problems, and possible harm to a fetus's brain in pregnant women. Marijuana use can cause some very uncomfortable side effects, such as anxiety and paranoia and, in rare cases, extreme psychotic reactions. Marijuana use can lead to a substance use disorder, which can develop into an addiction in severe cases.

Hallucinogens and Dissociative Drugs: Hallucinogens and dissociative drugs—which have street names like acid, angel dust, and vitamin K—distort the way a user perceives time, motion, colors, sounds, and self. These drugs can disrupt a person's ability to think and communicate rationally, or even to recognize reality, sometimes resulting in bizarre or dangerous behavior. Hallucinogens such as LSD, psilocybin, peyote, DMT, and ayahuasca cause emotions to swing wildly and real-world sensations to appear unreal, sometimes frightening. Dissociative drugs like PCP, ketamine, dextromethorphan, and *Salvia divinorum* may make a user feel out of control and disconnected from their body and environment. In addition to their short-term effects on perception and mood, hallucinogenic drugs are associated with psychotic-like episodes that can occur long after a person has taken the drug, and dissociative drugs can cause respiratory depression, heart rate abnormalities, and a withdrawal syndrome.

Methamphetamine: The abuse of methamphetamine—a potent and highly addictive stimulant—remains an extremely serious problem in the United States. The consequences of methamphetamine abuse are terrible for the individual—psychologically, medically, and socially. Abusing the drug can cause memory loss, aggression, psychotic behavior, damage to the cardiovascular system, malnutrition, and severe dental problems. Methamphetamine abuse has also been shown to contribute to increased transmission of infectious diseases, such as hepatitis and HIV/AIDS.

### **Reasonable Search:**

To ensure that illegal drugs and alcohol do not enter or affect the school, JD Academy of Salon + Spa reserves the right to search all vehicles, containers, lockers, or other items on school property in furtherance of this Policy. Individuals may be requested to display personal property for visual inspection upon the Academy's request. Searches will be conducted only where JD Academy of Salon + Spa has reason to believe that the student has violated the Academy's Policy. Failure to consent to a search or display of personal property for visual inspection will be grounds for discipline, up to and including termination from the program or denial of access to school premises. Searches of a student's personal property will take place only in the student's presence. All searches under this Policy will occur with the utmost discretion and consideration for the student involved. Individuals may be required to empty their

pockets, but under no circumstances will a student be required to remove articles of clothing to be physically searched.

**Student Assistance:**

JD Academy of Salon + Spa holds all students accountable in terms of substance use but also supports getting help for students. Students who come forward voluntarily to identify that they have a substance problem will not be reprimanded. It is important for the student to come to an understanding regarding the extent of the problem in order to correct the problem and be able to avoid future usage in violation of the Academy's Policy. This is required in order to correct the problem and be able to avoid violating the Academy's Policy in the future. If the student is willing to actively engage in resolving the substance use problem, the Academy will refer the student to a Substance Abuse Professional for an assessment and possible outpatient counseling at the student's expense. If a leave of absence is requested, it must follow the Leave of Absence Policy as stipulated in the catalog. This leave will be conditioned upon receipt of reports from the treatment providers that the student is cooperating and making reasonable progress in the treatment program. The student will be permitted to return to school only if (s)he passes a drug /alcohol test and has satisfactory medical evidence that (s)he is fit for attendance.

This protection does not cover a student who confesses a problem after an incident or accident that requires a substance use test, or after being notified that a reasonable suspicion test is required.

**Alcohol & Drug Prevention & Treatment**

Drug and Alcohol Counseling

A variety of resources exist for alcohol and other drug prevention education, counseling, and referral. Below are various counseling options that may be available from local counseling centers:

Important Contact Information

<u>Agency Name</u>	<u>Contact Number</u>
Danville Police Department	(925) 314-3700
<u>Hotlines:</u>	
Alcoholics Anonymous:	(800) 356-9996
American Council on Alcoholism Help Line:	(800) 527-5344
Drug-Rehabs.Org:	(877) 882-9275
National Academy on Drug Abuse Hotline:	(800) 662-HELP
Cocaine Hotline:	(800) COCAINE
National Council on Alcoholism:	(800) NCA-CALL
<u>Additional Resources:</u>	
Community Presbyterian Counselling Center <a href="mailto:cpcc.counseling@gmail.com">cpcc.counseling@gmail.com</a>	(925) 820-1467
Discovery Counseling Center <a href="https://www.discoveryctr.net/">https://www.discoveryctr.net/</a>	(925) 837-0505

Additional information about drug and alcohol abuse, health risks, addiction and prevention can be accessed at the National Academy on Alcohol Abuse and Alcoholism ([www.Academydrinkingprevention.gov](http://www.Academydrinkingprevention.gov)) as well as the National Academy on Drug Abuse ([www.drugabuse.gov/DrugPages/DrugsofAbuse.html](http://www.drugabuse.gov/DrugPages/DrugsofAbuse.html)).

**Disciplinary Action:**

Violation of the policy and laws referenced above by an employee or student will be grounds for disciplinary action up to and including termination or expulsion in accordance with applicable Academy

policies. Violators may also be subject to local, state, and federal criminal laws. Disciplinary action taken against a student or employee of the academy does not preclude the possibility of criminal charges being filed against that individual. The filing of criminal charges similarly does not preclude disciplinary action by the Academy. Students or employees who believe disciplinary action was taken in error should follow the grievance procedures outlined in the student or employee handbook as appropriate.

**Confidentiality:**

All information, interviews, reports, statement memoranda and drug test results, written or otherwise, received by the JD Academy of Salon + Spa as part of this Drug and Alcohol Prevention Policy are confidential communications. Unless authorized by state laws, rules or regulations, the Academy will not release such information without a written consent form signed voluntarily by the person tested. Information on drug testing results will not be released unless such information or records are compelled by a court or a professional or occupational licensing board.

**Biennial Review:**

The Academy will review the drug and alcohol prevention program every two years on the even number year. Any recommendations/data and or assistance available to substance abusers will be updated and distributed to all students and staff of JD Academy of Salon + Spa.

**Overview of Federal Controlled Substance Penalties**

The Controlled Substances Act (CSA) places all substances which were in some manner regulated under existing federal law into one of five schedules. This placement is based upon the substance’s medical use, potential for abuse, and safety or dependence liability. The Act also provides a mechanism for substances to be controlled (added to or transferred between schedules) or decontrolled (removed from control). The procedure for these actions is found in Section 201 of the Act (21U.S.C. §811).

The CSA provides penalties for unlawful manufacturing, distribution, and dispensing of controlled substances. The penalties are basically determined by the schedule of the drug or other substance, and sometimes are specified by drug name, as in the case of marijuana. As the statute has been amended since its initial passage in 1970, the penalties have been altered by Congress. The following charts are an overview of the penalties for trafficking or unlawful distribution of controlled substances.

**FEDERAL TRAFFICKING PENALTIES**

DRUG/SCHEDULE	QUANTITY	PENALTIES	QUANTITY	PENALTIES
Cocaine (Schedule II)	500–4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kgs or more mixture	<b>First Offense:</b> Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  <b>Second Offense:</b> Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.
Cocaine Base (Schedule II)	28–279 grams mixture		280 grams or more mixture	
Fentanyl (Schedule II)	40–399 grams mixture		400 grams or more mixture	
Fentanyl Ana- logue (Schedule I)	10–99 grams mixture		100 grams or more mixture	
Heroin (Schedule I)	100–999 grams mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 grams mixture		10 grams or more mixture	
Methamphetamine (Schedule II)	5–49 grams pure or 50–499 grams mixture		50 grams or more pure or 500 grams or more mixture	
PCP (Schedule II)	10–99 grams pure or 100–999 grams mixture	100 gm or more pure or 1 kg or more mixture		

**PENALTIES**

Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	<b>First Offense:</b> Not more than 20 yrs. If death or serious injury, not less than 20 yrs, or more than life. Fine \$1 million if an individual, \$5 million if not an individual.
	1 gram	<b>Second Offense:</b> Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual.
Flunitrazepam (Schedule IV)		
Other Schedule III drugs	Any amount	<b>First Offense:</b> Not more than 10 years. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual.
		<b>Second Offense:</b> Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual.
All other Schedule IV drugs	Any amount	<b>First Offense:</b> Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.
Flunitrazepam (Schedule IV)	Other than 1 gram or more	<b>Second Offense:</b> Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.
All Schedule V drugs	Any amount	<b>First Offense:</b> Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.
		<b>Second Offense:</b> Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.

## FEDERAL TRAFFICKING PENALTIES—MARIJUANA

DRUG	QUANTITY	1 <sup>st</sup> OFFENSE	2 <sup>nd</sup> OFFENSE
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual.	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75million if other than an individual.
Marijuana (Schedule I)	More than 10 kgs hashish; 50 to 99 kg marijuana mixture	Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.	Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.
	More than 1 kg of hashish oil; 50 to 99 marijuana plants		
Marijuana (Schedule I)	Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)	Not more than 5 yrs. Fine not more than \$250,000, \$1 million if other than an individual.	Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than individual.
	1 to 49 marijuana plants;		
	Hashish (Schedule I)		
Hashish Oil (Schedule I)	1 kg or less		

\*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$20 million if an individual and \$75 million if other than an individual.

## Key Provisions of California Drug & Alcohol Laws

### California Drug Laws

California Health and Safety Code Division 10, Chapter 6, [Sections 11350-11651](#) et. seq. (Uniform Controlled Substances Act). The penalties for possession of controlled substances depend on whether the controlled substances are held with an intent to distribute.

Possession of the following controlled substances are punished as misdemeanors, with penalties including up to one year in jail:

- Schedule I opiates, opium derivatives, cocaine base, mescaline, peyote, or synthetic cannabis (including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers)
- Schedule II narcotics or opiates
- Schedule III hallucinogens, and
- Schedule III, IV or V

However, a person who possesses for sale or purchases for purposes of sale the controlled substances listed above shall be guilty of a felony, punishable by fines of up to \$50,000 and imprisonment for a period of up to nine years.

### Recreational Marijuana

Adults age 21 and older may possess and use marijuana for recreational purposes in California. Consuming marijuana or marijuana products in a public place is prohibited. Consumption of marijuana is limited to adults over 21, with limited, specific medical exceptions.

Notwithstanding the allowable recreational use of marijuana under California law, recreational marijuana use is still a criminal act under federal law. Recreational use of marijuana by adults that might otherwise be permissible under California law may be subject to criminal penalty under applicable federal laws.

### Possession of Marijuana

- Possession of **more than 28.5 grams of marijuana**, other than concentrated cannabis, is punishable by incarceration of up to 6 months, a fine of not more than \$500, or both
- Possession of **not more than 28.5 grams of marijuana**, legal for those 21 and over, an infraction for those 18 and under (mandatory drug education course and community service)

### Possession of Concentrated Cannabis

- Possession of up to 8 grams of concentrated cannabis is legal, over 8 grams is punishable by incarceration of up to 1 year, a fine of up to \$500, or both

### California Alcohol Laws

The legal drinking age in California is 21 years of age.

- A person who sells, furnishes, gives, or causes to be sold, furnished, or given away any alcoholic beverage to any person under 21 years of age is guilty of a misdemeanor
- Any person under 21 years of age who purchases any alcoholic beverage, or any person under 21 years of age who consumes any alcoholic beverage in any on-sale premises, is guilty of a misdemeanor
- It is unlawful for any underage person to falsify a driver's license or other identification document in order to obtain or attempt to obtain alcoholic beverages.

- It is unlawful for any person to permit use of his/her driver's license or any other identification document by an underage person to purchase or attempt to purchase alcoholic beverages.  
*See California Business and Professions Code Division 9, Chapter 16, Sections 25657 - 25668*

**Notice of Federal Student Aid (FSA) Penalties for Drug Law Violations:**

The Higher Education Opportunity Act (HEA) requires institutions to provide to every student upon enrollment a separate, clear and conspicuous written notice with information on the penalties associated with drug-related offenses under existing section 484(r) of the HEA. It also requires an institution to provide a timely notice to each student who has lost eligibility for any grant, loan, or work-study assistance as a result of penalties under 484(r)(1) of the HEA a separate clear, and conspicuous written notice that notifies the student of the loss of eligibility and advises the student of the ways in which to regain eligibility under section 484(r)(2) of the HEA. Students are hereby notified that federal guidelines mandate that a federal or state drug conviction can disqualify a student for Federal Student Aid funds. Convictions only count if they were for an offense that occurred during a period of enrollment for which the student was receiving Title IV aid—they do not count if the offense was not during such a period. Also, a conviction that was reversed, set aside, or removed from the student's record does not count, nor does one received when he/she was a juvenile, unless the student was tried as an adult.

The Higher Education Act of 1965 as amended (HEA) suspends aid eligibility for students who have been convicted under federal or state law of the sale or possession of drugs, if the offense occurred during a period of enrollment for which the student was receiving federal student aid (grants, loans, and/or work-study). If you have a conviction(s) for these offenses, call the Federal Student Aid Information Center at 1-800-4-FED-AID (1-800-433-3243) to complete the "Student Aid Eligibility Worksheet" to find out how this law applies to you.

If you have lost federal student aid eligibility due to a drug conviction, you can regain eligibility if you pass two unannounced drug tests conducted by a drug rehabilitation program that complies with criteria established by the U.S. Department of Education.

By completing the FAFSA, you may be eligible for nonfederal aid from states and private institutions even if ineligible for Federal Aid. If you regain eligibility during the award year, notify your financial aid administrator immediately. If you are convicted of a drug-related offense after you submit the FAFSA, you might lose eligibility for federal student aid, and you may be liable for returning any financial aid you received during a period of ineligibility.

**School Flexibility:**

JD Academy of Salon + Spa reserves the right to alter or amend any portion of this policy at any time without prior notice. The Academy reserves the right to alter or modify this policy in a given situation depending on the totality of the circumstances. Time periods stated herein for the performance of any act or provision of any notice by the Academy are for guidance only and failure of JD Academy of Salon + Spa to strictly meet any time frame provided herein shall not preclude the Academy from taking any action provided herein. Under no circumstances shall failure to perform any act within the time frames herein excuse or relieve any student from his or her obligations or relieve any student from the consequences of any violation of this Policy.

## **JD ACADEMY OF SALON + SPA SEXUAL HARASSMENT POLICIES & GRIEVANCE PROCEDURES**

### **1. Introduction**

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

The Academy does not discriminate on the basis of sex in its educational, extracurricular, or other programs or in the context of 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 Academy’s commitment to providing a working and learning environment free from sexual harassment, this Policy shall be disseminated widely to the Academy community through publications, the Academy website, new employee orientations, student orientations, and other appropriate channels of communication. The Academy provides training to key staff members to enable the Academy to handle any allegations of sexual harassment promptly and effectively. The Academy will respond promptly to all reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

### **2. Scope of the Policy**

This Policy governs sexual harassment that occurs in the Academy’s education programs or activities. This Policy applies to all students, employees, and third parties conducting business with the Academy, regardless of the person’s gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion, or other protected status. The Academy encourages victims of sexual harassment to talk to somebody about what happened – so victims can get the support they need, and so the Academy can respond appropriately. As further described in this Policy, the Academy will seek to respect a victim’s request for confidentiality to the extent possible, while remaining ever mindful of the victim’s well-being.

### **3. Prohibited Conduct**

Sexual harassment comprises a broad range of behaviors focused on sex that may or may not be sexual in nature. Sexual harassment includes an Academy employee conditioning the provision of an Academy aid, benefit, or service on an individual’s participation in unwelcome sexual conduct. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Academy’s education programs or activities also constitutes sexual harassment. Sexual assault, stalking, domestic violence, and dating violence are all forms of sexual harassment. Retaliation following an incident of alleged sexual harassment or attempted sexual harassment is strictly prohibited. The definitions for specific acts of sexual harassment can be found in the Definitions of Key Terms at the end of this Policy statement.

Sexual 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 sexual harassment.**

### **4. Options for Assistance Following an Incident of Sexual Harassment**

The Academy strongly encourages any victim of sexual harassment to seek immediate assistance. Seeking prompt assistance may be important to ensure a victim’s physical safety or to obtain medical

care. The Academy strongly advocates that a victim of sexual harassment report the incident in a timely manner. Time is a critical factor for evidence collection and preservation.

**Reporting Incidents of Sexual Harassment.**

Victims of sexual harassment may file a report with the Danville Police Department. Victims may also file a report with the Academy's Title IX Coordinator. More information about reporting an incident of sexual harassment can be found in Section 6 of this Policy, below.

The Academy will respond promptly when it has actual knowledge of sexual harassment in its education programs or activities. The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures as described below, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The Academy will also provide the complainant with written notification about assistance available both within the Academy community and without.

A complainant may choose for the investigation to be pursued through the criminal justice system and/or through the Academy's disciplinary procedures by filing a formal complaint as describe in this Policy. The Academy 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 Academy's Title IX Coordinator will work with all students affected by sexual harassment to ensure their safety and support their wellbeing. This assistance may include providing supportive measures to support or protect a student after an incident of sexual harassment and while an investigation or disciplinary proceeding is pending. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the Academy's education programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Academy's educational environment, or deter sexual harassment.

Supportive measures may include:

- counseling,
- extensions of deadlines or other course-related adjustments,
- modifications of work or class schedules,
- campus escort services,
- mutual restrictions on contact between the parties,
- changes in work or housing locations,
- leaves of absence,
- increased security and monitoring of certain areas of the campus, and
- other similar measures.

The Academy will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the Academy 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 sexual harassment may also be able to obtain a formal protection order from a civil or criminal court. The

Academy 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 victims of sexual misconduct, whether or not a victim chooses to make an official report or participate in the Academy's disciplinary or criminal process. JD Academy of Salon + Spa does not provide counseling or health care services. Personal counseling offered by the Academy will be limited to initial crisis assessment and referral.

Counseling and support services outside the College system can be obtained through **RAINN at 1-800-656-HOPE** or through the **California Coalition on Domestic Violence at toll free 1-800-524-4765**. Additional sexual misconduct crisis and counseling options are available locally and nationally through a number of agencies, including:

<u>Agency Name</u>	<u>Contact Number</u>
Danville Police Department	(925) 314-3700
National Sexual Assault Hotline	(800) 656-HOPE (4673)
National Domestic Violence Hotline	(800) 799-SAFE
<a href="http://www.thehotline.org">www.thehotline.org</a>	(800) 799-7233
Community Presbyterian Counselling Center	(925) 820-1467
<a href="mailto:cpcc.counseling@gmail.com">cpcc.counseling@gmail.com</a>	
Discovery Counseling Center	(925) 837-0505
<a href="https://www.discoveryctr.net/">https://www.discoveryctr.net/</a>	

**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 sexual 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 an Academy or police investigation.

**5. Title IX Coordinator**

The Academy's Title IX Coordinator is responsible for monitoring and overseeing the Academy's compliance with Title IX and the prevention of sexual harassment and discrimination. The Title IX Coordinator is:

- Knowledgeable and trained in Academy policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a complainant, respondent, or a third party, about Academy and community resources and reporting options;
- Available to provide assistance to any Academy 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 Academy's Title IX Coordinator:

Janet Paradiso  
520 San Ramon Valley Blvd  
Danville, CA 94526  
Phone: (925) 855-5551  
Email: janet@jdacademy.com

## **6. Reporting Policies and Protocols**

JD Academy of Salon + Spa strongly encourages all members of the Academy community to report information about any incident of sexual harassment as soon as possible. Reports can be made either to the Academy and/or to law enforcement.

### **Reporting to the Academy**

An incident of sexual harassment may be reported to the Academy's Title IX Coordinator or to the Academy's Campus Director. No other Academy officials or employees have the authority to institute corrective measures under these Policies and Procedures on behalf of the Academy. The Academy will not be deemed to have actual knowledge of alleged sexual harassment unless the Academy's Title IX Coordinator or Campus Director possess such knowledge. Reports of sexual harassment to Academy officials or employees other than the Title IX Coordinator or the Campus Director will not confer actual knowledge to the Academy of such allegations, unless the Title IX Coordinator or Campus Director subsequently obtain such actual knowledge.

If the Academy's Title IX Coordinator is the alleged perpetrator of the sexual harassment, the report should be submitted to the Academy's Campus Director and vice versa. Filing a report with an Academy official will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed in Section 6 for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator or the Campus Director receiving the person's verbal or written report. 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 Academy to respond, investigate, provide an appropriate remedy, and impose discipline if appropriate. Note that if a complainant seeks to file a formal complaint for the Academy to initiate an investigation into allegations of sexual harassment, the complainant must be participating in or attempting to participate in the Academy's education programs or activities at the time of filing such formal complaint. The Academy is committed to supporting the rights of a person reporting an incident of sexual harassment to make an informed choice among options and services available.

The Academy 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 harassment, prevent its recurrence, and address its effects.

### **Reporting to Law Enforcement**

An incident of sexual 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 Academy will assist the complainant in contacting law enforcement. If the complainant decides to pursue the criminal process, the Academy 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 JD Academy of Salon + Spa. 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 sexual harassment under this Policy.

Each year the Academy prepares this report to comply with the Clery Act. The full text of this report can be located on the Academy's web site at [www.jdacademy.com](http://www.jdacademy.com). This report is prepared in cooperation with the local law enforcement agencies around our campus. 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 Campus Director or by calling (925) 855-5551. All prospective employees may also obtain a copy from the Campus Director.

### **Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the Director constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The Director will immediately notify the Academy 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 Academy, 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 email messages, text messages, the posting of flyers in the Academy buildings, in-class announcements, or other appropriate means. Notices may also be posted in the common areas throughout the Academy. Anyone with information warranting a timely warning should report the circumstances to the Director by phone at (925) 855-5551 or in person at the Academy.

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

In cases where sexual harassment is reported to the Title IX Coordinator or Campus Director 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 Academy 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 Academy will take strong responsive action if retaliation occurs. Any incident of retaliation should be promptly reported to the Title IX Coordinator or the Academy's President.

Except as may otherwise be required by law, the Academy 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 Academy's code of conduct 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**

The Academy encourages students to report all instances of sexual misconduct. The Academy will take into consideration the importance of reporting sexual misconduct in addressing violations of the Academy's alcohol and drug policies. An individual who participates as a complainant or witness in an investigation of sexual assault, domestic violence, dating violence, or stalking will not be subject to disciplinary sanctions for a violation of the Academy's student conduct policies at or near the time of the incident, unless the Academy determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

### **7. Academy Policy on Confidentiality**

The Academy encourages victims of sexual harassment to talk to somebody about what happened – so victims can get the support they need, and so the Academy 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 sexual harassment. The Academy 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 Academy does not provide professional or pastoral counseling, but can assist a victim of sexual 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 Academy, they may have reporting or other obligations under state law.

**ALSO NOTE:** If the Academy determines that the alleged perpetrator(s) pose a serious and immediate threat to the Academy community, the Academy's 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 a Designated Academy Official**

A "designated Academy official" is an Academy employee who has the authority to institute corrective measures on behalf of the Academy upon actual notice of sexual harassment.

A designated Academy official will report to the Title IX coordinator all relevant details about the alleged sexual harassment shared by the complainant – including the names of the complainant and respondent, any witnesses, and any other relevant facts, including the date, time, and specific location of the alleged incident.

To the extent possible, information reported to a designated Academy official will be shared only with people responsible for handling the Academy's response to the report. Designated Academy officials should not share information with law enforcement without the complainant's consent or unless the complainant has also reported the incident to law enforcement.

In addition to the Title IX Coordinator, the Academy's designated Academy officials include the Campus Director.

Before a complainant reveals any information to a designated Academy official, the official should ensure that the complainant understands the official's reporting obligations – and, if the complainant wants to maintain confidentiality, direct the complainant to confidential resources.

If the complainant wants to tell the designated Academy official what happened but also maintain confidentiality, the official should tell the complainant that the Academy will consider the request but cannot guarantee that the Academy will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the official will also inform the Coordinator of the complainant's request for confidentiality.

Designated Academy officials will not pressure a complainant to request confidentiality, but will honor and support the complainant's wishes, including for the Academy to fully investigate an incident. By the same token, designated Academy officials will not pressure a complainant to make a formal complaint and initiate an Academy investigation if the complainant is not ready to do so.

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

### **Reporting to Title IX Coordinator**

To the extent possible, information reported to the Title IX Coordinator will be shared only with people responsible for handling the Academy'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.

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 Academy will consider the request but cannot guarantee that the Academy will be able to honor it.

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

### **Requesting Confidentiality: How the Academy 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 Academy must weigh that request against the Academy's obligation to provide a safe, non-discriminatory environment for all students, including the complainant.

If the Academy honors the request for confidentiality, a complainant must understand that the Academy'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 sexual harassment and receive supportive measures from the Academy without the complainant filing a formal complaint and initiating an investigation. Although rare, there are times when the Academy 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 sexual harassment or other violence, such as:

- o whether there have been other sexual harassment complaints about the same respondent;
- o whether the respondent has a history of arrests or records from a prior school indicating a history of violence;
- o whether the respondent threatened further sexual harassment or other violence against the complainant or others;
- o whether the sexual harassment was committed by multiple respondents;
- Whether the sexual harassment was perpetrated with a weapon;
- Whether the complainant is a minor;
- Whether the Academy possesses other means to obtain relevant evidence of the sexual harassment (e.g., security cameras or personnel, physical evidence);
- 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 file a formal complaint to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the Academy will likely respect the complainant's request for confidentiality.

**If the Academy determines that it cannot maintain a complainant's confidentiality**, the Academy will inform the complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the Academy's response. The Academy 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 Academy employees, will not be tolerated. The Academy 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 Academy may not require a complainant to participate in any investigation or disciplinary proceeding.

Because the Academy is under a continuing obligation to address the issue of sexual harassment campus-wide, reports of sexual harassment (including non-identifying reports) will also prompt the Academy to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual 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 Academy determines that it can respect a complainant's request for confidentiality**, the Academy 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 Academy's ability to investigate a particular matter. The Academy may take steps to limit the effects of the alleged sexual 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 education materials for students and employees; revising and publicizing the Academy's policies on sexual harassment; and conducting climate surveys regarding sexual harassment.

**Off-campus Counselors and Advocates.** Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the Academy 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.

### **8. Formal Complaint Investigation Procedures and Protocols**

The Academy will investigate all formal complaints of sexual harassment. A formal complaint must be in writing filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the Academy investigate the allegation of sexual harassment. A formal complaint form may be obtained from the Title IX Coordinator, although no particular form is required to submit a formal complaint so long as the complaint is in writing, signed by a complainant, alleges sexual harassment against a respondent, and requests an investigation. The Academy's Title IX Coordinator oversees the Academy's investigation, response to, and resolution of all reports of prohibited sexual harassment, and of related retaliation, involving students, faculty, and staff.

As soon as practicable after receiving a formal complaint, the Title IX Coordinator will make an initial assessment of the formal complaint to determine whether the formal complaint, on its face, alleges an act prohibited by this Policy. If the Title IX Coordinator determines the formal complaint states facts which, if true, could constitute sexual harassment in violation of this Policy, the Title IX Coordinator will proceed through the formal investigation process (see below). If the Title IX Coordinator determines the complainant's report does not state facts that, if true, could constitute a violation of this Policy, the Title IX Coordinator will communicate this determination in writing to the complainant. In such circumstances the complainant may still file a report with the federal Office for Civil Rights, the police, or seek available civil remedies through the judicial system. The complainant may also re-file the report with the Academy upon discovery of additional facts.

The Academy will dismiss a formal complaint if the conduct alleged in the formal complaint would not constitute sexual harassment under Title IX even if proved, did not occur in the Academy's education program or activity, or did not occur against a person in the United States. ***Such dismissal does not preclude action under another provision of the Academy's code of conduct.*** The Academy may dismiss the formal complaint if a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint; the respondent is no longer enrolled or employed by the Academy; or specific circumstances prevent the Academy from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein. The Academy will promptly send written notice of the dismissal and reasons therefor simultaneously to the parties.

### **Notice**

Upon receipt of a formal complaint, the Academy will provide written notice of the Academy's grievance process to the parties who are known. The Academy will also provide the parties with notice of the allegations of sexual harassment potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice will include a statement that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process. The written notice will inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review evidence that is submitted to and/or collected by the Academy in connection with the investigation. The written notice will also inform the parties of any provision in the Academy's code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.

If, in the course of an investigation, the Academy decides to investigate allegations about the complainant or respondent that are not included in a prior notice provided to the parties, the Academy will provide notice of the additional allegations to the parties whose identities are known.

## **Voluntary Resolution**

Voluntary 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 its recurrence, and remedy its effects in a manner that meets the safety and welfare of the Academy community. If all parties voluntarily agree to participate in an informal resolution that does not involve a full investigation and adjudication after receiving notice of a formal complaint and if the Academy determines that the particular formal complaint is appropriate for such a process, the Academy will facilitate an informal resolution to assist the parties in reaching a voluntary resolution. The Academy retains the discretion to determine which cases are appropriate for voluntary resolution.

Voluntary 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 harassment 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.

Voluntary 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 Academy 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 Academy will not compel parties to engage in mediation or to participate in any particular form of informal resolution. As the title implies, participation in voluntary 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 voluntary resolution is unsuccessful at resolving the complaint.

In connection with any informal resolution process, the Academy will provide written notice to the parties disclosing the allegations and the requirements of the informal resolution process. The Academy 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 formal complaint. The Academy must obtain the parties' voluntary, written consent to the informal resolution process. The informal resolution process may not be utilized to resolve allegations that a Academy employee sexually harassed a student.

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

## **Formal Investigation Process**

The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on the Academy and not on the parties. The Title IX Coordinator is responsible for the investigation of a formal complaint. The Title IX Coordinator may designate a specially trained investigator (or team of investigators) to conduct the investigation.

The Academy's process for responding to, investigating and adjudicating sexual 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 investigator will interview the complainant, respondent and any witnesses. They will also gather pertinent documentary materials (if any) and other information. The Academy 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 Academy will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

### **Time Frame for Investigation**

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 may last up to 30 days, from receipt of a formal complaint from the complainant or the Title IX Coordinator of the request to proceed with an investigation. Adjudication will generally take up to 30 days from the date the investigative report is provided to both the complainant and the respondent. 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 investigation, 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 Academy 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 Academy 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 Academy may remove a respondent from the Academy's education programs or activities on an emergency basis, provided that the Academy undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. The Academy may place a non-student employee respondent on administrative leave during the pendency of a grievance process.

The Academy will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the formal complaint, including the evidence upon which the Academy does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation. Prior to completion of the investigative report, the Academy will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The Academy will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

### **Investigation Report**

The investigator will prepare an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. Such report will include a statement of the allegations and issues, the positions of the complainant and respondent, a summary of the evidence (including from interviews and documentation gathered), an explanation why any proffered evidence was not investigated, assessment of individual credibility, and findings of fact and an analysis of whether a violation of the Policy has occurred. The investigator will use "preponderance of the evidence" as the standard of proof to determinewhether a violation of the Policy occurred. Preponderance of the evidence means that the investigator 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 complainant and respondent will be simultaneously notified of the completion of the investigation and provided with the investigator's report.

## **9. Grievance/Adjudication Procedures**

### **Hearing Panel**

The Academy will convene a hearing panel following the end of the investigation. The hearing panel determines whether the respondent is responsible or not responsible for a violation of the Policy.

The hearing panel will consist of one to three members as determined by the Title IX Coordinator. The Title IX Coordinator will designate the members of the hearing panel but will not serve as a panel member. The investigator responsible for the Academy's investigation of the formal complaint may not serve as a panel member. The hearing panel members may include administrators, officers, lawyers or other individuals with relevant experience and special training. Panel members may participate remotely so long as the Academy utilizes technology enabling the panel members and parties to simultaneously see and hear the party or witness answering questions. All panelists will receive training from experts in the field at least once a year. 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 sexual harassment. The complainant and respondent will be informed of the panel's membership before the hearing process begins. A complainant and/or respondent may challenge the participation of a panel member because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made to the Title IX Coordinator at least three days prior to the commencement of the hearing. At its discretion, the Title IX Coordinator will determine whether such a conflict of interest exists and whether a panel member should be replaced. Postponement of a hearing may occur if a replacement panelist cannot be immediately identified.

### **Advisors**

Both the complainant and the respondent are entitled to be accompanied to any meeting or proceeding relating to the allegation of sexual harassment by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled.

### **Written Submissions**

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

### **Hearing Procedures**

The Title IX Coordinator will give the complainant and respondent at least 10 days' advance notice of the hearing. The Title IX Coordinator may arrange to hold the hearing at an off-campus location. The hearing is a closed proceeding, meaning that no one other than the panel members, the complainant and respondent, their respective advisors, witnesses (when called), and necessary Academy personnel may be present during the proceeding. The Campus Director will work with Academy staff so that any student whose presence is required may participate in the hearing.

In general, hearings will proceed as follows:

- The Title IX Coordinator may set reasonable time limits for any part of the hearing. Each of the complainant and respondent will have the opportunity to present witnesses and other information consistent with the Policy and these Procedures. The panel may determine the relevance of, place restrictions on, or exclude any witnesses or information. When the complainant and respondent are not able to be present for the hearing panel, arrangements will be made for participation virtually, with technology enabling the participants simultaneously to see and hear each other.
- In cases where either the complainant or respondent opts not to participate in the hearing, the panel may still hear from the other.

- Additional hearing rules include:
  - Cross Examination. At the hearing, the hearing panel shall permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
  - At the request of either party, the Academy will provide for the hearing to occur with the parties located in separate rooms with technology enabling the hearing panel members and parties to simultaneously see and hear the party or the witness answering questions.
  - Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing panel must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
  - If a party does not have an advisor present at the live hearing, the Academy will provide without fee or charge to that party, an advisor of the Academy's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
  - Information Regarding Romantic or Sexual History. Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The existence of a prior consensual dating or sexual relationship between the complainant and respondent by itself does not support an inference of consent to alleged sexual harassment.
  - Prior Conduct Violations. The hearing panel will not consider the respondent's prior conduct violations, unless the investigator provided that information to the hearing panel because the respondent was previously found to be responsible, and the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.
  - The hearing panel may consider statements made by parties or witnesses, even if those parties or witnesses do not participate in cross-examination at the live hearing, in reaching a determination regarding responsibility.
  - The Academy will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
  - Live hearings may be conducted with all parties physically present in the same geographic location or, at the Academy's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

The Academy will create an audio or audiovisual recording, or transcript, of any hearing and make it available to the parties for inspection and review. The panelists may request a copy or transcript of the recording. Cell phones and recording devices may not be used in the hearing room(s) unless approved by the panel in advance.

**Panel Determinations/Standard of Proof**

The hearing panel will issue a written determination regarding responsibility. The panel will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that a panel 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 panel will find a student responsible, or not responsible, based on a majority vote. The panel will generally render a written determination within 10 days after the conclusion of a hearing.

The panel's written determination will include:

- a) Identification of the allegations potentially constituting sexual harassment;
- b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c) Findings of fact supporting the determination;
- d) Conclusions regarding the application of the Academy's code of conduct to the facts;
- e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Academy imposes on the respondent, and whether remedies designed to restore or preserve equal access to the Academy's education program or activity will be provided by the Academy to the complainant; and
- f) The Academy's procedures and permissible bases for the complainant and respondent to appeal.

If the panel finds the respondent responsible, the matter will proceed to the sanctions stage.

The parties will be informed of the results of the adjudication hearing by simultaneous written notice to both parties of the outcome of the formal complaint. The determination regarding responsibility becomes final either on the date that the Academy provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

#### **10. Sanctions and Other Remedies**

The hearing panel shall be responsible for imposing sanctions that are:

- Fair and appropriate given the facts of the particular case;
- Consistent with the Academy's handling of similar cases;
- Adequate to protect the safety of the campus community; and
- Reflective of the seriousness of sexual harassment.

No disciplinary sanctions or other actions that are not supportive measures will be imposed against a respondent until the completion of the Academy's grievance procedures, including any applicable appeal.

The hearing panel will consider relevant factors, including if applicable: (1) the specific sexual 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 Academy 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 hearing panel's written determination.

The Academy 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 Academy 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 Academy employment
- Suspension (limited time or indefinite)
- Expulsion

In addition to any other sanction (except where the sanction is expulsion), the Academy may require any student determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the sexual harassment violation at issue. The Academy may also recommend counseling or other support services for the student.

Whatever the outcome of the hearing 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 Academy may also determine that additional measures are appropriate to respond to the effects of the incident on the Academy community. Additional responses for the benefit of the Academy 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 Academy's policies relating to sexual harassment
- Climate surveys regarding sexual harassment

## **11. Appeals**

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

1. A procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or hearing panel member(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

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

The decision maker(s) for the appeal may not be the same person as the hearing panel members, the investigator(s), or the Title IX Coordinator. The appealing party must submit the appeal in writing to the Academy within seven 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 the decision-maker concludes that a change in the hearing panel's determination is warranted, the Academy may enter a revised determination, reconvene the panel to reconsider the 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 days after the receipt of the written appeal. All appeal decisions are final.

## **12. Records Disclosure & Recordkeeping**

Disciplinary proceedings conducted by the Academy 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 Academy 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 Academy's website at [www.jdacademy.com](http://www.jdacademy.com).

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

- a) Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript from a hearing conducted in response to a formal complaint, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the Academy's education programs or activities;
- b) Any appeal and the result therefrom;
- c) Any informal resolution and the result therefrom; and
- d) All materials used to train Title IX Coordinators, investigators, hearing panel members, decision-makers, and any person who facilitates an informal resolution process. The Academy will make these training materials publicly available on its website.

The Academy will create and maintain for a period of not less than seven years, records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the Academy will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Academy's education program or activity. If the Academy does not provide a complainant with supportive measures, then the Academy will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the Academy in the future from providing additional explanations or detailing additional measures taken.

## **13. Education and Prevention Programs**

As set forth in Section 3 of this Policy statement, Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, and Stalking are all forms of Prohibited Conduct.

The Academy is committed to offering educational programs to promote awareness and prevention of Prohibited Conduct. Educational programs include an overview of the Academy'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 Academy's commitment to provide an educational and work environment free from Prohibited Conduct, this Policy will be disseminated widely to the Academy community through e-mail communication,

publications, websites, new employee orientations, student orientations, and other appropriate channels of communication.

The Title IX Coordinator, investigators, hearing panel members, and anyone else who is involved in responding to, investigating, or adjudicating sexual 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 sexual harassment.

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

*Sexual Assault is any unwanted physical contact of a sexual nature that occurs either without the consent of each participant or when a participant is unable to give consent freely. Sexual assault can occur either*

*the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief*

*forcibly and/or against a person's will, or when a person is unable to give consent freely. Non-consensual sexual intercourse is any form of sexual intercourse (vaginal, anal or oral) with any object without consent. Non-consensual sexual contact is any intentional sexual touching, however slight, with any object without a person's consent.*

*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 Academy'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. *Information on Bystander Intervention was provided by the Department of Defense Sexual Assault Prevention and Response Office from: [www.sapr.mil](http://www.sapr.mil)*

### **Risk Reduction**

The Academy'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).*

#### **14. Amendments**

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

**JD Academy of Salon + Spa  
Sexual Misconduct Policy**

**Definitions of Key Terms**

- Sexual Harassment - means conduct on the basis of sex that satisfies one or more of the following:
  - 1) An employee of the Academy conditioning the provision of an aid, benefit, or service of the Academy on an individual's participation in unwelcome sexual conduct;
  - 2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Academy's education programs or activities; or
  - 3) "Sexual assault," "dating violence," "domestic violence," or "stalking" as defined herein.
  
- Sexual Assault - is any unwanted physical contact of a sexual nature that occurs either without the consent of each participant or when a participant is unable to give consent freely. Sexual assault can occur either forcibly and/or against a person's will, or when a person is unable to give consent freely. Sexual assault includes an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Unified Crime Reporting ("UCR") program:
  - *Rape* - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - *Fondling*—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - *Incest*—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - *Statutory Rape*—Sexual intercourse with a person who is under the statutory age of consent.
  
- Domestic Violence - A felony or misdemeanor crime of violence committed (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
  
- Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the

relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

- “Education program or activity” includes locations, events, or circumstances over which the Academy exercises substantial control over both the respondent and the context in which the sexual harassment occurs. It includes all of the academic, educational, extra-curricular, and other programs of the Academy, whether they take place in the facilities of the Academy, at a class or training program sponsored by the Academy at another location, or elsewhere. An instructor’s alleged sexual harassment of a student would likely constitute sexual harassment in the Academy’s education programs or activities even if the alleged harassment occurs off campus. The Academy’s education programs and activities may also include computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of, the Academy.
- Prohibited Conduct – The Academy prohibits Sexual Assault, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking as defined in these Definitions of Key Terms.
- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Retaliation - The Academy shall not, and no individual shall, intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX and/or this Policy. The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation 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.
- Consent – The Academy 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.

- Complainant – means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
- Respondent – means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.