

CINTA AVEDA INSTITUTE

2017 ANNUAL SECURITY REPORT

Table of Contents

CAMPUS SECURITY PROCEDURES	1
A. TIMELY WARNINGS	1
B. REPORTING THE ANNUAL DISCLOSURE OF CRIME STATISTICS	1
C. REPORTING OF CRIMINAL OFFENSES	1
D. CONFIDENTIAL REPORTING	2
E. ACCESS POLICY	2
F. CAMPUS SECURITY AUTHORITY AND JURISDICTION	3
G. SECURITY AWARENESS PROGRAMS	3
H. CRIMINAL ACTIVITY OFF CAMPUS	3
I. FIRE PREVENTION AND WORKPLACE HAZARDS	3
J. ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES	3
K. ALCOHOL AND SUBSTANCE ABUSE EDUCATION	3
L. SEXUAL MISCONDUCT POLICIES & PROCEDURES	4
M. SEXUAL OFFENDER REGISTRATION	4
CAMPUS CRIME REPORT	5
DRUG FREE SCHOOL POLICY	6
EMERGENCY RESPONSE PREPARATION AND EVACUATION	10
Evacuation Procedure	10
Lockdown Procedure	10
Shelter-In-Place Procedure.....	11
Bomb Threat Procedure	11
Fire Response Procedure.....	12
Earthquake Procedure	13
Medical Emergency Procedure	14
CAMPUS SEXUAL MISCONDUCT POLICIES	16
1. INTRODUCTION	16
2. SCOPE OF THE POLICY	16
3. PROHIBITED CONDUCT	16
4. OPTIONS FOR ASSISTANCE FOLLOWING AN INCIDENT OF SEXUAL MISCONDUCT	16
Reporting Incidents of Sexual Misconduct	16
Support Services Available.....	17
Evidence Preservation.....	17
5. TITLE IX COORDINATOR	17
6. REPORTING POLICIES AND PROTOCOLS	18
Reporting to the School.....	18
Reporting to Law Enforcement.....	18
Reporting of Crimes & Annual Security Reports	18
Timely Warnings.....	19
Third-Party and Anonymous Reporting.....	19
No Retaliation	19
Coordination With School Disciplinary Policies	19
7. SCHOOL POLICY ON CONFIDENTIALITY	19
Privileged and Confidential Communications – Professional & Pastoral Counselors.....	20
Reporting to “Responsible Employees”	20

Reporting to Title IX Coordinator	21
Requesting Confidentiality: How the School Will Weigh the Request and Respond	21
Miscellaneous	22
8. INVESTIGATION PROCEDURES AND PROTOCOLS	22
Notice of Investigation	22
Investigation Process.....	23
Time Frame for Investigation.....	23
Impact of Victim’s Confidentiality Request	23
Investigation Report.....	23
Voluntary Resolution.....	24
9. GRIEVANCE/ADJUDICATION PROCEDURES	25
Hearing Panel	25
Advisors	25
Written Submissions	25
Hearing Procedures	25
Panel Determinations/Standard of Proof	26
10. SANCTIONS AND OTHER REMEDIES	26
11. APPEALS.....	27
12. RECORDS DISCLOSURE	28
13. EDUCATION AND PREVENTION PROGRAMS	28
Bystander Intervention	29
Risk Reduction	29
14. AMENDMENTS	30
DEFINITIONS OF KEY TERMS.....	31
Definitions of Sexual Misconduct under California Law	34

CAMPUS SECURITY PROCEDURES

Campus safety and security are important issues at the Cinta Aveda Institute. 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 Institute Director constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The Director will immediately notify the Institute 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 Institute, unless issuing a notification will compromise efforts to contain the emergency. The warning will be issued through the most effective and efficient means available and may include instant messaging to students and Institute employees. Notices may also be posted in the common areas throughout the Institute. Anyone with information warranting a timely warning should report the circumstances to the Institute Director by phone at 415.989.4400 or in person at the Institute.

B. REPORTING THE ANNUAL DISCLOSURE OF CRIME STATISTICS

The Institute prepares this report to comply with the Clery Act. The full text of this report can be located on our web site at www.cintaaveda.edu. 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 San Francisco Police, designated campus officials (including but not limited to the Institute 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 Institute Director or by calling 415.989.4400. All prospective employees may also obtain a copy from the Institute Director.

C. REPORTING OF CRIMINAL OFFENSES

The Cinta Aveda Institute encourages anyone who is the victim or witness to any crime or other emergency to report the incident as soon as possible. Contact the Institute Director or the Assistant Director at 415.989.4400 (non-emergencies) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen loitering inside or around the Institute buildings should be reported to the Institute Director or the Assistant Director.

Reports may also be made to the school’s Campus Security Authorities, or CSAs. Under Federal law, the definition CSAs include individuals/offices designated by the school as those to whom crimes should be reported; and officials with significant responsibility for student and campus activities. If a school 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 Cinta Aveda Institute, CSAs include:

- President
- Treasurer
- Institute Director
- Assistant Director
- Admissions Coordinator
- Student Services Coordinator
- Financial Aid Coordinator

For off campus options you may contact the San Francisco Police Department at 415.553.0123 for non-emergencies. You should always dial 9-1-1 for emergency situations.

The San Francisco 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 San Francisco Police Department cannot hold reports of crime in confidence. In response to demand from the public for secure and anonymous ways to submit crime tips to the authorities, the San Francisco Police Department has developed two anonymous tip services for use by the public. They are:

1. Text-a-Tip: Through computers with Internet capability, SFPD Operations personnel will view all tips received 24/7 and evaluate each one. If the tip is of an emergency nature, personnel will forward it immediately to the Department of Emergency Management for officer dispatch. They will forward all other tips for assignment to the appropriate investigative bureau or district station. Investigative units will have an Internet-capable computer at their disposal and will be able to text back and forth with the tipster based on a randomly assigned ID number that the system, provided by Citizen Observer, Inc., supplies. The ID number is wholly confidential and is maintained in the company's server.

Enter TIP411 (847411) in the "To" field and the keyword "SFPD" in the text field, followed by the message

2. Anonymous Tip Lines: Crime prevention cannot be achieved by the police alone. Professional law enforcement officers must work hand-in-hand with the public to fight crime and neighborhood disorder throughout our communities. Law enforcement officers depend heavily on the public's assistance in reporting crimes to the police. The following tip lines are provided for your use and convenience:

STATION	ANONYMOUS TIP LINE
Bayview Station	822-8147
Ingleside Station	587-8984
Northern Station	885-5187
Richmond Station	668-7387
Taraval Station	242-9753
Central Station	392-2623
Mission Station	552-4558
Park Station	731-2865
Southern Station	552-4901
Tenderloin Station	929-9446
Human Trafficking Hotline	643-6233

D. CONFIDENTIAL REPORTING

The Cinta Aveda Institute encourages anyone who is the victim or witness to any crime to report the incident as soon as possible. All reports will be investigated. The Institute does not have procedures for voluntary, confidential reporting of crime statistics. Violations of the law will be referred to the San Francisco Police Department. When a potentially dangerous threat to the Institute community arises, timely reports or warnings will be issued through Twitter postings, the posting of flyers in the Institute buildings, in-class announcements, or other appropriate means.

E. ACCESS POLICY

During business hours, the Institute will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all Institute facilities is by key and security code, if issued, or by admittance via the Institute Director. Emergencies may necessitate changes or alterations to any posted schedules.

F. CAMPUS SECURITY AUTHORITY AND JURISDICTION

The Institute's administration attempts to provide a safe, secure educational environment for all students and employees. The Institute does not provide security guards on its campus premises. The ultimate authority for law enforcement at the Institute is the local police department. The Institute does not have any written agreements with local police departments for the investigation of alleged criminal offenses. Institute officials have the authority to contact the local police to request assistance in preventing or reacting to crime within or in the immediate vicinity of school facilities. The Institute Director is the Institute's coordinator of security issues. The individuals mentioned above are not authorized to arrest individuals but do have the authority to detain suspected criminal offenders if it is deemed safe to do so. The administration at the Cinta Aveda Institute has a strong, working relationship with the local police and work in partnership to offer students and employees the safest possible environment.

G. SECURITY AWARENESS PROGRAMS

All new enrolled students participate in a general Institute orientation class. During the orientation class, the need and procedure of reporting emergencies and criminal activities, campus security measures and crime prevention is discussed. Similar information is presented to new employees. In addition, information is disseminated to students and employees through tips posted in the Institute buildings, in-class announcements, and Twitter announcements.

H. CRIMINAL ACTIVITY OFF CAMPUS

The Cinta Aveda Institute does not provide law enforcement services to off-campus activities on behalf of the Institute.

I. FIRE PREVENTION AND WORKPLACE HAZARDS

It is the responsibility of all faculty and staff to alert the Institute 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.

J. ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES

It is the policy of the Cinta Aveda Institute that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol is prohibited while in the workplace, on Institute premises, or as part of any Institute 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 Free School Policy.

K. ALCOHOL AND SUBSTANCE ABUSE EDUCATION

The Institute 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 Institute disciplinary actions.

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

Local mental health and substance abuse services are available at:

- Alcohol and Drug Abuse 24 Hr. Addictions Referral Network: 800-577-4740 SF Dept. of Public Health: 415-503-4730 800-750-2727
- Mental Health & Crisis Intervention National Hopeline Network 24 hrs: 800-784-2433 Westside Community Mental Health Center:415-355-0311

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

L. SEXUAL MISCONDUCT POLICIES & PROCEDURES

The Cinta Aveda Institute is committed to providing a working and educational environment for all students, faculty and staff that is free from sex discrimination, including sexual misconduct. Every member of the school community should be aware that the Institute is strongly opposed to sexual misconduct, and that such behavior is prohibited by state and federal laws.

The Institute's Sexual Misconduct Policy is part of this Annual Security Report. It describes the school's programs to prevent sexual misconduct, and the procedures that the school will follow once an incident of sexual misconduct has been reported. This Policy is disseminated widely to the Institute community through publications, the school website, new employee orientations, student orientations, and other appropriate channels of communication. Copies of the Policy can be obtained from the Institute Director, the Assistant Director, by calling the school at 415.989.4400, or downloading from the school's website at www.cintaaveda.edu. The Institute provides training to key staff members to enable the Institute to handle any allegations of sexual misconduct promptly and effectively. The Institute will respond quickly 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 Institute's Sexual Misconduct Policy governs sexual misconduct involving students that occurs on any school property or in connection with any school-sponsored program or event. This Policy applies to all students, employees, and third parties conducting business with the Institute, regardless of the person's gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. The Institute encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the Institute can respond appropriately. As further described in the Policy, the Institute will seek to respect a victim's request for confidentiality to the extent possible, while remaining ever mindful of the victim's well-being.

M. 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 Institute is providing information for where students and employees may obtain information regarding registered sex offenders. The California Sex Offenders Registry may be found at 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.

CAMPUS CRIME REPORT

The Institute 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 Institute Director and local law enforcement agencies. Copies of the report may be obtained from the Institute Director, the Assistant Director, or by calling 415.989.4400. All prospective employees may obtain a copy from the Institute Director or by calling 415.989.4400.

To Report A Crime: Contact the Institute Director or the Assistant Director at 415.989.4400 (non-emergencies) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen loitering inside or around the Institute buildings should be reported to the Institute Director or the Assistant Director.

Offense	On Campus			Non Campus			Public Property		
	2014	2015	2016	2014	2015	2016	2014	2015	2010
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	1	0	0	0	0	0	0	0	4
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	1	2	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	4	0
Arson	0	0	0	0	0	0	0	0	0
VAWA Offenses									
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
Arrests & Disciplinary Referrals									
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	1
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 –

2016: No hate crimes reported

2015: No hate crimes reported

2014: One on-campus destruction/damage/vandalism of property incident characterized by gender.

2014: One public property destruction/damage/vandalism of property incident characterized by gender.

CINTA AVEDA INSTITUTE DRUG FREE SCHOOL POLICY

The Cinta Aveda Institute believes that it is very important to provide a safe environment for all of its students and Team Members. Substance abuse, while at work, school or otherwise, seriously endangers the safety of students and Team Members, 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. The Cinta Aveda Institute 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 or marijuana;
- Possess, trade, manufacture, distribute, dispense, buy or offer for sale alcohol, marijuana, 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, marijuana, or alcohol;
- Engage in the use of illegal drugs, misuse of prescription drugs, marijuana or alcohol during school hours or while on school property (including parking lots);
- Use prescription drugs or non-prescription drugs, marijuana, or alcohol that may affect the safety of the student or fellow students, and members of the public;
- Have tampered or attempted to alter or attempt to interfere with the testing procedure; or
- Otherwise refused to be tested.

For the purpose of this Policy, a student is presumed to be under the influence of drugs and/or marijuana or alcohol if a urine test, blood test or other scientifically acceptable testing procedures shows a forensically acceptable positive quantum of proof of drugs and/or marijuana or alcohol usage.

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, the Institute Director or the Assistant Director before providing services under such medication.

Students are individually responsible for being aware of applicable laws, regulations, ordinances, and the Institute's policy for complying with them. The Cinta Aveda Institute 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, marijuana, and alcohol do not enter or affect the school, the Cinta Aveda Institute 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 Institute's request. Searches will be conducted only where the Cinta Aveda Institute has reason to believe that the student has violated the Institute'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:

The Cinta Aveda Institute 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 Institute's Policy. This is required in order to correct the problem and be able to avoid violating the Institute's Policy in the future. If the student is willing to actively engage in resolving the substance use problem, the Institute will refer the student to a Substance Abuse Professional for an assessment and possible outpatient counseling at the student's expense. 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/marijuana 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.

Disciplinary Action:

Violation of this Policy will result in the student's immediate termination. The student's file will list the reason for termination as "a Major Standard Violation" as that term is defined in the Institute's Course Catalog. Re-admittance may be considered after 60 days. To be considered for re-admittance, the student must provide proof of having satisfactorily attended treatment that is provided by a Substance Abuse Professional (SAP) and/or prescribed by a SAP and completed a drug, marijuana and/or alcohol test, determined by which test was previously positive, with a negative test result. If the student is re-admitted, (s)he must complete the prescribed follow-up testing by the SAP or by law, as applicable, to continue attending the Cinta Aveda Institute. Treatment and follow-up testing will be at the expense of the student. The Cinta Aveda Institute may terminate a student who has entered a rehabilitation program for violations of the Drug Free School Policy or any other school policy in accordance with the procedures set forth in the Course Catalog.

Confidentiality:

All information, interviews, reports, statement memoranda and drug test results, written or otherwise, received by the Cinta Aveda Institute as part of this drug testing program are confidential communications. Unless authorized by state laws, rules or regulations, the Institute 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 Institute will review the drug and alcohol prevention program every two years on the odd number year. Any recommendations/data and or assistance available to substance abusers will be updated and distributed to all students and staff of the Cinta Aveda Institute.

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

The Higher Education Opportunity Act 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:

The Cinta Aveda Institute reserves the right to alter or amend any portion of this policy at any time without prior notice. The Institute 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 Institute are for guidance only and failure of the Cinta Aveda Institute to strictly meet any time frame provided herein shall not preclude the Institute 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, act to nullify any positive test, or relieve any student from the consequences of any positive test, or any other violation of this Policy.

EMERGENCY RESPONSE PREPARATION AND EVACUATION

The Institute Director has overall responsibility for coordinating and implementing the Emergency and Response Evacuation Plan. The Director will ensure that the Institute's emergency evacuation procedures have been informed to the students and staff. The Director will conduct fire drills annually which may be both announced and unannounced. Feedback from these drills will be used to determine the modifications necessary to the evacuation plans.

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 Institute has been evacuated. The Director will communicate the need to evacuate the building to the occupants by activating the fire alarm or 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.

Institute team member responsibilities:

- Instruct students and guests to exit the building using the designated emergency exit routes or as directed by the Director. Emergency exit routes should be diagrammed on the school floor plan drawing posted near the light switch inside each room.
- 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 Institute 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 Institute, describe the emergency, state the Institute 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.

Institute 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 Institute personnel are outside of the school building at the time of a lockdown, Institute 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 Institute 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 Institute. All students, guests and staff outside will be directed to immediately move to an inside room.

The Director and Institute staff will instruct Institute 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".

Institute 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.

Bomb Threat Procedure

The Director has developed these procedures to protect staff, students, guests and Institute property in the event of a communicated threat regarding the presence of destructive devices on Institute property. This may include any explosive device of an incendiary, chemical, biological, or radioactive nature. A bomb threat will result in law enforcement and other safety and emergency services responding to the scene.

Once law enforcement arrives, it is critical to follow the instructions of, and cooperate with, the law enforcement officers who will have jurisdiction over the scene. The Institute is a crime scene and will require a thorough search and processing.

Staff who received a message that a bomb has been placed in the Institute should:

- Make a record of the exact wording of the threat.

- Ask in a clear and calm voice: Where the bomb is located; What does it look like; What materials are in the bomb (type of bomb); How is it activated; When will the bomb explode; Who is calling, name and address; Did you place the bomb; Why are you doing this.
- If the threat is made by phone, listen closely to caller's voice and speech patterns and to noises in background. Make a record of that information.
- If the threat is made by phone and the caller hangs up, immediately dial *57 to trace the call.
- Notify the Director and/or call 911.

The Director will notify law enforcement, fire and emergency services by calling 911 if not already notified. The Director will assign staff to meet and brief emergency responder agencies. The Director will notify staff and students that a building emergency is in effect, and that all staff and students should remain in their rooms until advised otherwise. If a suspicious item is located, the Director will determine if evacuation procedures should be activated, selecting routes and assembly areas away from the suspicious item. THE DIRECTOR WILL NOT ACTIVATE THE FIRE ALARM. The Director should determine if further response should await arrival of law enforcement and other emergency services.

Once emergency responders are on scene, decisions must be made to:

- Evacuate immediately, if this has not already occurred and if warranted, selecting routes and assembly areas away from the suspicious item. DO NOT ACTIVATE THE FIRE ALARM.
- Speak to staff who received the threat and obtain information.
- Search the building.
- If a search is to be conducted, assemble and brief a search team at the interior command post. Assign search areas within the building, the emergency exit routes and the outside assembly areas.
- If a suspicious item is located, order an evacuation, if that has not already occurred.
- No one may re-enter the building(s) until fire or police personnel declare it is safe to do so.
- After consulting with local law enforcement, the Director shall determine if staff and students should be relocated to an alternative safe site.
- If danger is over, the Director will notify staff, students and guests of the termination of the emergency and to resume normal operations.

If an evacuation occurs, students, guests and staff must be evacuated to a safe distance outside of school building(s).

Institute team member responsibilities:

- Check classrooms, offices and work area for suspicious items and report any findings to the Director. If a suspicious item is found-DO NOT TOUCH IT. Secure the area where the item is located.
- Account for students and be prepared to evacuate if ordered.
- Evacuate using standard procedures and exit routes to assembly area. Open classroom windows and leave classroom doors open when exiting. Take roll after being evacuated. Be prepared to report the names of any missing persons to school administration.
- Keep students together at the assembly area until given further instructions. Be prepared to go to off-site relocation if ordered.
- If given the "All Clear" signal, return to the building and resume normal operations.

Fire Response Procedure

The Institute 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 Institute 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".

Institute 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.

Earthquake Procedure

Earthquakes are sudden rolling or shaking events caused by movement under the earth's surface. Earthquakes happen along cracks in the earth's surface, called fault lines, and can be felt over large areas, although they usually last less than one minute.

All 50 states and 5 U.S. territories are at some risk for earthquakes. Earthquakes can happen at any time of the year.

Before an Earthquake:

- Look around places where you spend time. Identify safe places such as under a sturdy piece of furniture or against an interior wall in your home, office or school so that when the shaking starts, you Drop to the ground, Cover your head and neck with your arms, and if a safer place is nearby, crawl to it and Hold On.
- Practice how to "Drop, Cover, and Hold On!"
 - To react quickly you must practice often. You may only have seconds to protect yourself in an earthquake.
- Before an earthquake occurs, secure items that could fall and cause injuries (e.g., bookshelves, mirrors, light fixtures).
- Store critical supplies (e.g., water, medication) and documents.
- Plan how you will communicate with family members, including multiple methods by making a family emergency communication plan.

During an Earthquake:

- If you are inside a building:
 - Stay where you are until the shaking stops. Do not run outside. Do not get in a doorway as this does not provide protection from falling or flying objects, and you may not be able to remain standing.
 - Drop down onto your hands and knees so the earthquake doesn't knock you down. Drop to the ground (before the earthquake drops you!)
 - Cover your head and neck with your arms to protect yourself from falling debris.
 - If you are in danger from falling objects, and you can move safely, crawl for additional cover under a sturdy desk or table.
 - If there is low furniture or an interior wall or corner nearby, and the path is clear, these may also provide some additional cover.
 - Stay away from glass, windows, outside doors and walls, and anything that could fall, such as light fixtures or furniture.
 - Hold on to any sturdy covering so you can move with it until the shaking stops. Stay where you are until the shaking stops.
- If getting safely to the floor to take cover won't be possible:
 - Identify an inside corner of the room away from windows and objects that could fall on you. The Earthquake Country Alliance advises getting as low as possible to the floor. People who use wheelchairs or other mobility devices should lock their wheels and remain seated until the shaking stops. Protect your head and neck with your arms, a pillow, a book, or whatever is available.
- If you are in bed when you feel the shaking:
 - If you are in bed: Stay there and Cover your head and neck with a pillow. At night, hazards and debris are difficult to see and avoid; attempts to move in the dark result in more injuries than remaining in bed.
- If you are outside when you feel the shaking:
 - If you are outdoors when the shaking starts, move away from buildings, streetlights, and utility wires. Once in the open, "Drop, Cover, and Hold On." Stay there until the shaking stops. This might not be possible in a city, so you may need to duck inside a building to avoid falling debris.
- If you are in a moving vehicle when you feel the shaking:
 - If you are in a moving vehicle, stop as quickly and safely as possible and stay in the vehicle. Avoid stopping near or under buildings, trees, overpasses, and utility wires. Proceed cautiously once the earthquake has stopped. Avoid roads, bridges, or ramps that the earthquake may have damaged.

After an Earthquake:

- When the shaking stops, look around. If there is a clear path to safety, leave the building and go to an open space away from damaged areas.
- If you are trapped, do not move about or kick up dust.
- If you have a cell phone with you, use it to call or text for help.
- Tap on a pipe or wall or use a whistle, if you have one, so that rescuers can locate you.
- Once safe, monitor local news reports via battery operated radio, TV, social media, and cell phone text alerts for emergency information and instructions.
- Be prepared to "Drop, Cover, and Hold on" in the likely event of aftershocks.

Medical Emergency Procedure

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

The Institute'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 Institute 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.

CAMPUS SEXUAL MISCONDUCT POLICIES

1. INTRODUCTION

The Cinta Aveda Institute (the “Institute”) is committed to providing a working and educational environment for all students, faculty and staff that is free from sex discrimination, including sexual misconduct. Every member of the Institute community should be aware that the school is strongly opposed to sexual misconduct, and that such behavior is prohibited by state and federal laws.

As part of the Institute’s commitment to providing a working and learning environment free from sexual misconduct, this Policy shall be disseminated widely to the school community through publications, the school website, new employee orientations, student orientations, and other appropriate channels of communication. The school provides training to key staff members to enable the school to handle any allegations of sexual misconduct promptly and effectively. The Institute will respond quickly 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 misconduct involving students that occurs on any school property or in connection with any school-sponsored program or event. This Policy applies to all students, employees, and third parties conducting business with the Cinta Aveda Institute, regardless of the person’s gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. The Institute encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the school can respond appropriately. As further described in this Policy, the Institute 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 misconduct comprises a broad range of behaviors focused on sex that may or may not be sexual in nature. Any intercourse or other intentional sexual touching or activity without the other person’s consent is sexual assault, which is a form of sexual misconduct under this Policy. Sexual harassment and sexual exploitation, stalking, domestic violence, and dating violence are also forms of sexual misconduct. Intimidation for one of these purposes is sexual misconduct, as is retaliation following an incident of alleged sexual misconduct or attempted sexual misconduct. The definitions for specific acts of sexual misconduct can be found in the Definitions of Key Terms at the end of this Policy statement.

Misconduct 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 misconduct.**

4. OPTIONS FOR ASSISTANCE FOLLOWING AN INCIDENT OF SEXUAL MISCONDUCT

The Cinta Aveda Institute strongly encourages any victim of sexual misconduct to seek immediate assistance. Seeking prompt assistance may be important to ensure a victim’s physical safety or to obtain medical care. The school strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation.

Reporting Incidents of Sexual Misconduct.

Victims of sexual misconduct may file a report with the local police department. Victims may also file a report with the school’s Title IX Coordinator. More information about reporting an incident of sexual misconduct can be found in Section 6 of this Policy, below.

When a student or employee reports to the school that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the school will provide the student or employee a written explanation of the student's or employee's rights and options. The school will also provide the student or employee with written notification about assistance available both within the school and without, as well as information about options for academic or protective measures.

The victim of the sexual misconduct may choose for the investigation to be pursued through the criminal justice system and school's disciplinary procedures. The school and the criminal justice system work independently from each other. Law enforcement officers do not determine whether a violation of this Policy has occurred. The Title IX Coordinator will guide the victim through the available options and support the victim in his or her decision.

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 school's disciplinary or criminal process.

The Cinta Aveda Institute does not provide counseling or health care services. Personal counseling offered by the school will be limited to initial crisis assessment and referral.

Sexual misconduct crisis and counseling options are available locally and nationally through a number of agencies, including:

National Resources:

National Sexual Assault Hotline - 800-656-4673

National Domestic Violence Hotline - 800-799-7233

Local Resources:

SF Dept. of Public Health: 415-437-3000

SF Women Against Rape 24 hr: 415-861-2024

The Title IX Coordinator will work with all students affected by sexual misconduct to ensure their safety and support their wellbeing. This assistance may include providing accommodations to support or protect a student after an incident of sexual misconduct and while an investigation or disciplinary proceeding is pending. Such accommodations may include the ability to alter class schedules, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring). The Institute may be able to provide additional interim measures to victims while an investigation is pending, such as no contact orders and changing the alleged perpetrator's class schedule.

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 misconduct are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful in connection with a school or police investigation.

5. TITLE IX COORDINATOR

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

- Knowledgeable and trained in the school's policies and procedures and relevant state and federal laws;

- Available to advise any individual, including a complainant, respondent, or a third party, about school and community resources and reporting options;
- Available to provide assistance to any school employee regarding how to respond appropriately to a report of Title IX-related prohibited conduct and related retaliation;
- Participates in ensuring the effective implementation of this Policy, including monitoring compliance with all procedural requirements, record keeping, and timeframes; and
- Responsible for overseeing training, prevention, and education efforts and annual reviews of climate and culture.

Inquiries or concerns about Title IX may be referred to the school's Title IX Coordinator:

Ms. Mariela Onisko
 305 Kearny Street
 San Francisco, CA 94108
 Phone: (415) 989-4400 ext 207
 email: mariela@cintaaveda.edu

6. REPORTING POLICIES AND PROTOCOLS

The Cinta Aveda Institute strongly encourages all members of the school community to report information about any incident of sexual misconduct as soon as possible, whether the incident occurred on or off campus. Reports can be made either to the school and/or to law enforcement.

Reporting to the School

An incident of sexual misconduct may be reported directly to the Title IX Coordinator. If the Title IX Coordinator is the alleged perpetrator of the sexual misconduct, the report should be submitted to the Institute Director. Filing a report with a school official will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

An individual who has experienced an incident of sexual misconduct may report the incident at any time, regardless of how much time has elapsed since the incident occurred. The Cinta Aveda Institute is committed to supporting the rights of a person reporting an incident of sexual misconduct to make an informed choice among options and services available.

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

Reporting to Law Enforcement

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

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

Reporting of Crimes & Annual Security Reports

Campus safety and security are important issues at the Cinta Aveda Institute. 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 misconduct under this Policy.

Each year the Institute prepares this report to comply with the Clery Act. The full text of this report can be located on the school's web site at www.cintaaveda.edu. 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 Assistant Director or by calling (415) 989-4400. All prospective employees may obtain a copy from the Assistant Director.

Timely Warnings

In the event that a situation arises, either on or off campus, that, in the judgment of the Institute Director constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be disseminated to staff and students through announcements in campus facilities, cell phone messages, e-mail, school website, social media and/or flyers to ensure that the entire campus is likely to receive the warning. The timely warning will include information that promotes safety and tips to prevent similar crimes, allowing the campus community to take appropriate precautions. The timely warning will also include the time, location, and type of crime reported. Anyone with information warranting a timely warning should report the circumstances to the Institute Director or Assistant Director by phone at (415) 989-4400 or in person at the school.

Third-Party and Anonymous Reporting

In cases where sexual misconduct is reported to the Title IX Coordinator 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 Cinta Aveda Institute prohibits retaliation against those who file a complaint or third-party report, or otherwise participate in the investigative and/or disciplinary process (e.g., as a witness). The school will take strong responsive action if retaliation occurs. Any incident of retaliation should be promptly reported to the Title IX Coordinator or the Institute Director.

Coordination With School Disciplinary Policies

Students may be reluctant to report instances of sexual misconduct because they fear being disciplined pursuant to the Institute's disciplinary policies, including but not limited to the Institute's alcohol or drug policies. The Institute encourages students to report all instances of sexual misconduct and will take into consideration the importance of reporting sexual misconduct in addressing violations of the school's disciplinary 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 Institute's student conduct policies at or near the time of the incident, unless the Institute 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. SCHOOL POLICY ON CONFIDENTIALITY

The Cinta Aveda Institute encourages victims of sexual misconduct to talk to somebody about what happened – so victims can get the support they need, and so the school can respond appropriately.

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

Privileged and Confidential Communications – Professional & Pastoral Counselors

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

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

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

ALSO NOTE: If the Institute determines that the alleged perpetrator(s) pose a serious and immediate threat to the school community, the Institute 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 “Responsible Employees”

A “responsible employee” is an Institute employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty.

When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the school to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the victim and that the school will need to determine what happened – including the names of the victim and alleged perpetrator(s), 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 responsible employee will be shared only with people responsible for handling the school's response to the report. A responsible employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

The following employees are the Institute's responsible employees:

President, Cinta Gibbons, (415) 989-4400, cinta@cintaaveda.edu
Institute Director, Mariela Onisko, (415) 989-4400, monisko@cintaaveda.edu

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

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

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the Institute to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

Reporting to Title IX Coordinator

When a victim tells the Title IX Coordinator about an incident of sexual misconduct, the victim has the right to expect the Institute to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

To the extent possible, information reported to the Title IX Coordinator will be shared only with people responsible for handling the school's response to the report. The Title IX Coordinator should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

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

The Title IX Coordinator will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the school to fully investigate an incident. By the same token, the Title IX Coordinator will not pressure a victim to make a full report if the victim is not ready to.

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

If a victim 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 Institute must weigh that request against the school's obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If the school honors the request for confidentiality, a victim must understand that the school's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when the school may not be able to honor a victim'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 victim'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 alleged perpetrator will commit additional acts of sexual misconduct or other violence, such as:
 - whether there have been other sexual misconduct complaints about the same alleged perpetrator;
 - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
 - whether the alleged perpetrator threatened further sexual misconduct or other violence against the victim or others;
 - whether the sexual misconduct was committed by multiple perpetrators;
- Whether the sexual misconduct was perpetrated with a weapon;
- Whether the victim is a minor;
- Whether the school possesses other means to obtain relevant evidence of the sexual misconduct (e.g., security cameras or personnel, physical evidence);
- Whether the victim'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 school to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the school will likely respect the victim's request for confidentiality.

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

- assist the victim 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 alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the victim of the right to report a crime to local law enforcement – and provide the victim with assistance if the victim wishes to do so.

The school may not require a victim to participate in any investigation or disciplinary proceeding.

Because the school is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the school to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence 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 Institute determines that it can respect a victim's request for confidentiality, the school will also take immediate action as necessary to protect and assist the victim.

Miscellaneous

Take Back the Night and other public awareness events. Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which students disclose incidents of sexual violence, are not considered notice to the Institute of sexual misconduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts.

Off-campus Counselors and Advocates. Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the school unless the victim 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. INVESTIGATION PROCEDURES AND PROTOCOLS

The Title IX Coordinator oversees the Institute's investigation, response to, and resolution of all reports of prohibited sexual misconduct, and of related retaliation, involving students, faculty, and staff. The Title IX Coordinator will designate a specially trained investigator (or team of investigators) to interview the complainant, respondent and any witnesses. The investigator will also gather pertinent documentary materials (if any) and other information.

Notice of Investigation

The Title IX Coordinator will inform the complainant before starting an investigation. The complainant may request that an investigation not be undertaken. The Title IX Coordinator will consider such a request in light of the school's commitment to provide a safe and non-discriminatory environment for all students. If

the Title IX Coordinator determines not to investigate, she will notify the complainant in writing, including that the determination was made at the complainant's request. At the complainant's request, the Title IX Coordinator will also notify the respondent in writing, including that the complainant asked the school not to investigate.

The investigator will direct the complainant, respondent, witnesses and other interested individuals to preserve any relevant evidence.

If an investigation proceeds, the school will notify the respondent in writing that a report has been filed. The notice will describe the allegations in the report. The complainant and respondent will be given the opportunity to meet separately with the Title IX Coordinator to review the Policy and these Procedures.

Investigation Process

The Institute's process for responding to, investigating and adjudicating sexual misconduct 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.

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 written notice from the complainant of the intent 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 delays by the parties, account for school breaks or vacations, or address other legitimate reasons, including the complexity of the investigation (including the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged conduct. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Where necessary, the school will take immediate steps to protect complainants pending the final outcome of an investigation, including academic accommodations and other interim measures. These steps may include the ability to change class schedules; withdraw from/retake a class without penalty; access academic support such as tutoring; issue no contact orders; and change the alleged perpetrator's class schedule.

Impact of Victim's Confidentiality Request

A victim's request for confidentiality will likely limit the school's ability to investigate a particular matter. The school may take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the student complainant. Examples include: providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; revising and publicizing the school's policies on sexual misconduct; and conducting climate surveys regarding sexual misconduct.

Investigation Report

The investigator will prepare a report detailing the relevant content from the interviews and the

documentation gathered. The report will include the assessment of individual credibility and recommended findings of responsibility.

The respondent and complainant will each have the opportunity to review a copy of the investigative report and any other information used during the disciplinary proceedings. The names and other identifying information of other students will be redacted from such materials in accordance with the Family Educational Rights and Privacy Act (FERPA), except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination.

Upon receipt of the investigative report, the complainant and respondent shall each have the opportunity to request a hearing be conducted pursuant to the procedures set forth in Section 9, below. If neither party requests a hearing within 10 calendar days from their receipt of the investigative report, then the recommended findings of responsibility set forth in the investigative report shall be final. The Title IX Coordinator shall rely on the recommended findings of responsibility in the investigative report for purposes of imposing sanctions in accordance with Section 10, below.

Voluntary Resolution

Voluntary resolution, when selected by the complainant 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 expressed preference of the complainant and the safety and welfare of the the Institute community. Voluntary resolution is not appropriate for all forms of conduct under the Policy.

The school retains the discretion to determine, when selected by the complainant, which cases are appropriate for voluntary resolution. If a complainant requests voluntary resolution, and the Title IX Coordinator concludes that voluntary resolution is appropriate, then the Title IX Coordinator will take appropriate action by imposing remedies designed to maximize the complainant's access to all employment, educational, and extracurricular opportunities and benefits at the school and to eliminate a potential hostile environment. A complainant may request and decide to pursue voluntary resolution at any time. In those cases in which the voluntary resolution involves either the notification to or participation by the respondent, it is the respondent's decision whether to accept 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 misconduct occurred; facilitating a meeting with the respondent with the complainant present (in cases that do not involve sexual assault); and any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy. In some forms of voluntary resolution, the remedies imposed will focus on supporting the complainant with no participation or involvement by the respondent. In other forms of voluntary resolution, the respondent may agree to participate. Depending on the type of remedy used, it may be possible for a complainant to maintain anonymity.

Voluntary resolution may also include restorative principles that are designed to allow a respondent to accept responsibility for misconduct and acknowledge harm to the complainant or to the school community. Restorative models will be used only with the consent of both parties, and following a determination by the Title IX Coordinator that the matter is appropriate for a restorative approach.

The school will not compel a complainant to engage in mediation, to confront directly the respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, is never appropriate in sexual assault cases and will not be used in such cases. 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 report. Similarly, a complainant can request to end an investigation and pursue voluntary resolution at any time.

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

9. GRIEVANCE/ADJUDICATION PROCEDURES

Hearing Panel

If requested by either complainant or respondent following the distribution of the investigative report, the Institute will convene a hearing panel. The hearing panel determines whether the respondent is responsible or not responsible for a violation of the Policy. If the respondent is determined to be responsible, the matter proceeds to the sanctions stage.

The hearing panel will generally include the Title IX Coordinator and two additional members who will be individuals associated with the school. These additional 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 hearing room is equipped with telephone equipment that allows the panel member to hear all the participants and to be heard by all the participants throughout the hearing proceedings. 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 misconduct. 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 48 hours 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 misconduct 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, whenever possible, give the complainant and respondent at least five days' advance notice of the hearing. The Title IX Coordinator will 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 school personnel may be present during the proceeding. The Institute Director will work with school 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 via alternate means.

- 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:
 - Questioning. Only the panel may ask questions of the complainant and respondent and any witnesses. Both the complainant and respondent will have the opportunity to suggest questions of the other and of witnesses by submitting suggested questions to the panel in writing. The panel may revise or not ask any or all submitted questions.
 - Information Regarding Romantic or Sexual History. The panel will not consider the romantic or sexual history of either the complainant or respondent in cases involving allegations of sexual misconduct, except for testimony offered by one or the other about the complainant's and respondent's shared sexual history that the panel deems relevant. If such information is offered by the complainant or respondent, the other has the right to respond. 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 misconduct.
 - 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 school will keep an audio recording of the hearing for the use of the panel, for sanctioning, and for purposes of appeal. 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 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 decision within 10 days after the conclusion of a hearing. The panel's decision will include an explanation of the basis for the decision. 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 complaint. As set forth in Section 11, below, both parties shall have the option to appeal the hearing panel's determination.

10. SANCTIONS AND OTHER REMEDIES

The Title IX Coordinator, with the advice and counsel of the other hearing panel members, shall be responsible for imposing sanctions that are:

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

The Title IX Coordinator will consider relevant factors, including if applicable: (1) the specific sexual misconduct at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (2) the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the complainant; (5) the respondent's prior

disciplinary history; (6) the safety of the school community; and (7) the respondent's conduct during the disciplinary process.

The Title IX Coordinator will render a sanctioning decision within five days following the receipt of the panel's determination. The sanctioning decision will be communicated in writing to the complainant and the respondent.

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

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

In addition to any other sanction (except where the sanction is expulsion), the school may require any student determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the sexual misconduct violation at issue. The school 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 accommodations and the Title IX Coordinator will determine whether such measures are appropriate. Potential ongoing accommodations include:

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

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

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

11. APPEALS

Either the respondent or the complainant or both may appeal the determination of the hearing panel and/or the sanctions. Appeals are decided by the Institute's President. The three grounds for appeal are:

1. A procedural error affecting the determination or sanction;
2. New information that was not available at the time of the investigation or hearing and that may change the determination or sanction; and
3. Excessiveness or insufficiency of the sanction.

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

The appealing student must submit the appeal in writing to the President within five business days after receiving the sanctioning notice. 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 student may submit a written response within five days after notice of an appeal.

If the President concludes that a change in the hearing panel's determination is warranted, the President may enter a revised determination, reconvene the panel to reconsider the determination, or return the matter for additional investigation. After consultation with the Title IX Coordinator, the President may also change the sanction. If both the complainant and respondent appeal, the appeals will be considered concurrently.

The President will provide simultaneous notification to the complainant and respondent of the final decision in writing. Appeals decisions will be rendered within 10 days after the receipt of the written appeal. All appeal decisions are final.

12. RECORDS DISCLOSURE

Disciplinary proceedings conducted by the Institute are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the school without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances.

Any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct, or required to be produced through other compulsory legal process.

Additional information about FERPA can be found on the Institute's website at www.cintaaveda.edu.

13. EDUCATION AND PREVENTION PROGRAMS

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

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

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

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

Bystander Intervention

The Cinta Aveda Institute'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, www.sapr.mil*

Risk Reduction

The Cinta Aveda Institute'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.

14. AMENDMENTS

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

Cinta Aveda Institute Sexual Misconduct Policy

DEFINITIONS OF KEY TERMS

- Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment, (ii) submission to or rejection of such conduct by an individual is used as the basis for education or employment decisions affecting such individuals, or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's school or work performance or creating an intimidating, hostile, or offensive educational or working environment.
 - Hostile Environment Caused By Sexual Harassment - refers to a situation where students and/or employees are subject to a pattern of exposure to unwanted sexual behavior that is so severe, persistent, or pervasive that it alters the conditions of education, employment, or participation in a school program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, does not amount to a hostile environment caused by sexual harassment.
 - Quid Pro Quo Harassment – refers to a situation where students and/or employees are subject to unwanted sexual behavior where submission or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education, employment, or participation in a school program or activity.

- Sexual Assault - 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.
 - *Sex Offenses* - Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
 - *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.

- Prohibited Conduct – The Cinta Aveda Institute prohibits the crimes of Sexual Assault, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking as defined in these Definitions of Key Terms.
- Sexual Exploitation - sexual misconduct that occurs when a person takes unjust or abusive sexual advantage of another for his or her own advantage or benefit or for the benefit or advantage of anyone other than the exploited party; and that behavior does not otherwise constitute sexual assault. Examples of sexual exploitation include, but are not limited to, videotaping or photographing of any type (web-cam, camera, Internet exposure, etc.) without knowledge and consent of all persons; prostituting another person; knowingly transmitting HIV or a sexually transmitted disease to an unknowing person or to a person who has not consented to the risk; or inducing incapacitation with the intent to commit sexual assault, without regard to whether sexual activity actually takes place.
- 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 - means any adverse action, or attempted adverse action, against an individual or group of individuals because of their participation in any manner in an investigation, proceeding, or hearing under this Policy.
- Intimidation - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- Consent - means a voluntary agreement to engage in sexual activity. For purposes of this Policy, the Institute shall apply an affirmative consent standard in the determination of whether consent was given by both parties to sexual activity. "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.
- Complainant – means the person making the allegation(s) of sexual misconduct.
 - Respondent – means the person alleged to have committed sexual misconduct.

Definitions of Sexual Misconduct under California Law

The California Education Code provides that institutional policies governing its campus disciplinary processes must use an affirmative consent standard to determine whether a sexual assault complainant consented to the alleged conduct.

Cal. Ed. Code § 67386

(a)(1) * * * “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.

(a)(2) * * * [I]n 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:

(A) The accused’s belief in affirmative consent arose from the intoxication or recklessness of the accused.

(B) The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

* * *

(a)(4) * * * [I]n 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:

(A) The complainant was asleep or unconscious.

(B) 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.

(C) The complainant was unable to communicate due to a mental or physical condition.

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) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

(1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving

legal consent, and this is known or reasonably should be known to the person committing the act.

(2) 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.

(3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, “unconscious of the nature of the act” means incapable of resisting because the victim meets any one of the following conditions:

(A) Was unconscious or asleep.

(B) Was not aware, knowing, perceiving, or cognizant that the act occurred.

(C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraud in fact.

(D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator’s fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) Where a person submits under the belief that the person committing the act is someone known to 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.

(6) Where the act is accomplished against the victim’s will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat.

(7) Where the act is accomplished against the victim’s will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official.

Cal. Pen. Code § 286

(a) Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.

Cal. Pen. Code § 288a

(a) Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.

Cal. Pen. Code § 243.4

(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.

The California Penal Code defines Stalking as follows:

Cal. Pen. Code § 646.9

(a) 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, * * *.

(e) For the purposes of this section, “harasses” means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

(f) For the purposes of this section, “course of conduct” means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct.”

(g) For the purposes of this section, “credible threat” means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. * * *

(h) For purposes of this section, the term “electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. * * *

(l) For purposes of this section, “immediate family” means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or

who, within the prior six months, regularly resided in the household.

The California Penal Code provides the following definitions with respect to Domestic Violence:

Cal. Pen. Code § 13700

As used in this title:

(a) “Abuse” means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.

(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. For purposes of this subdivision, “cohabitant” means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) 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. (<https://www.cdph.ca.gov/Pages/TeenDatingViolence.aspx>, accessed 8-25-16)