

**CINTA AVEDA INSTITUTE**

**ANNUAL SECURITY REPORT**

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# **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 & EMERGENCY NOTIFICATIONS**

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. Furthermore, 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 include email messages, text messages, the posting of flyers in the Institute buildings, and in-class announcements. Anyone with information warranting a timely warning or emergency notification should report the circumstances to the Institute Director by phone at 415.989.4400 (San Francisco), at 408.648.2555 (San Jose), 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](http://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 Department, the San Jose Police Department, 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 (San Francisco) or 408.648.2555 (San Jose). 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 of 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 or the San Jose Police Department at 408.277.8900 for non-emergencies. You should always dial 9-1-1 for emergency situations.

The San Francisco and San Jose Police Departments encourage 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 police departments cannot hold reports of crime in confidence.

#### **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 or San Jose Police Departments, as appropriate. When a potentially dangerous threat to the Institute community arises, timely reports or warnings will be issued through email messages, text messages, 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.

#### **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 announcements through social media. All active students and employees receive updated campus crime data and information on campus security procedures and practices annually no later than October 1st as part of the Institute's annual security report and crime disclosure.

#### **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.

Information about local mental health and substance abuse services can be found in the Institute's Drug Free School Policy, which is included as part of this Annual Security Report.

#### **L. SEX-BASED HARASSMENT 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 sex-based harassment. Every member of the school community should be aware that the Institute is strongly opposed to sex-based harassment, and that such behavior is prohibited by state and federal laws.

The Institute's Sex-Based Harassment Policies & Grievance Procedures are part of this Annual Security Report. They describe the Institute's programs to prevent sex-based harassment and the procedures that the Institute will follow once an incident of sex-based harassment has been reported. This Policy is disseminated widely to the Institute community through publications, the Institute website, new employee orientations, student orientations, and other appropriate channels of communication. Copies of the Policy can be obtained from the Director of Education or downloading from the Institute's website at [cintaaveda.edu](http://cintaaveda.edu). Distribution of these policies provides written notification to students and employees about existing counseling, health, mental health, victim advocacy, and other services available for victims. They also provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, and working situations or protective measures. The Institute provides training to key staff members to enable the Institute to handle any allegations of sex-based harassment promptly and effectively. The Institute will respond promptly to all reports of sex-based harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

These policies apply 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 sex-based harassment 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 policies, 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/](http://www.meganslaw.ca.gov/). The Campus Sex Crimes Prevention Act requires institutions of higher education to provide a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders can be obtained.

# CAMPUS CRIME REPORT (SAN FRANCISCO)

305 Kearny St, San Francisco, CA 94108

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

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

# CAMPUS CRIME REPORT (SAN JOSE)

111 W St John St, San Jose, CA 95113

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 408.648.2555. All prospective employees may obtain a copy from the Institute Director or by calling 408.648.2555.

**To Report A Crime:** Contact the Institute Director at 408.648.2555 (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		
	2021	2022	2023	2021	2022	2023	2021	2022	2023
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Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>Arrests &amp; Disciplinary Referrals</b>									
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Law Arrests Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0

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



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

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 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 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.

### **Alcohol & Drug Prevention & Treatment**

#### **San Francisco/Bay Area**

Walden House- 800-200-7181 [healthright360.org/parent-program/walden-house/](http://healthright360.org/parent-program/walden-house/)  
Bay Side Marin 855-452-0768 [baysidemarin.com/programs/san-francisco-treatment/](http://baysidemarin.com/programs/san-francisco-treatment/)  
Comprehensive List of Drug and Alcohol Centers  
[sf311.org/services/homeless-matters/seeking-help/addiction-detox-treatment](http://sf311.org/services/homeless-matters/seeking-help/addiction-detox-treatment)

#### **San Jose/South Bay**

New Life Recovery Centers- 408-297-1182 [newliferecoverycenters.com/](http://newliferecoverycenters.com/)  
Silicon Valley Recovery-408-443-2458 [siliconvalleyrecovery.com](http://siliconvalleyrecovery.com)

U.S. Substance Abuse & Mental Health Services Administration [samhsa.gov](http://samhsa.gov)

#### Hotlines:

Alcoholics Anonymous: 1-800-356-9996  
American Council on Alcoholism Help Line: 1-800-527-5344  
National Institute on Drug Abuse Hotline: 1-800-662-HELP  
Cocaine Hotline: 1-800-COCAINE  
National Council on Alcoholism 1-800-NCA-CALL

#### **Disciplinary Action:**

Violation of this Policy will result in the student's immediate termination. 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 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 at least every two years. 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.

### Overview of Federal Controlled Substance Penalties

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

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

### FEDERAL TRAFFICKING PENALTIES

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

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

#### FEDERAL TRAFFICKING PENALTIES—MARIJUANA

DRUG	QUANTITY	1 <sup>st</sup> OFFENSE	2 <sup>nd</sup> OFFENSE
Marijuana (Schedule I)	1,000 kg or more marijuana mixture; or 1,000 or more marijuana plants	Not less than 10 yrs. or more than life. If death or serious bodily injury, not less than 20 yrs., or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.	Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million if other than an individual.
Marijuana (Schedule I)	100 kg to 999 kg marijuana mixture; or 100 to 999 marijuana plants	Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20	Not less than 10 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine

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

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

### Key Provisions of California Drug & Alcohol Laws California Drug Laws

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

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

- Schedule I opiates, opium derivatives, cocaine base, mescaline, peyote, or synthetic cannabis
- Schedule II narcotics or opiates
- Schedule III hallucinogens, and
- Schedule III, IV or V

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

### Recreational Marijuana

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

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

### **Possession of Marijuana**

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

### **Possession of Concentrated Cannabis**

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

### **California Alcohol Laws**

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

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

See *California Business and Professions Code Division 9, Chapter 16, Sections 25657 - 25668*

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

The Higher Education Opportunity Act 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 or relieve any student from the consequences of 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 Institute tests the emergency response and evacuation procedures on at least an annual basis each calendar year, including tests that may be announced or unannounced. Tests are regularly scheduled drills, include exercises and appropriate follow-through activities, designed for assessment and evaluation of the Institute's emergency plans and capabilities. Documentation for each test, including a description of the exercise, the date and time, and whether it was announced or unannounced, can be found in the Director's office. 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.

### **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. 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.

## **CINTA AVEDA INSTITUTE SEX-BASED HARASSMENT POLICY & GRIEVANCE PROCEDURES**

### **1. INTRODUCTION**

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 sex-based harassment. Every member of the Institute community should be aware that the Institute is strongly opposed to sex-based harassment, and that such behavior is prohibited by state and federal laws.

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

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

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

### **2. SCOPE OF THE POLICY**

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

The Institute encourages victims of sex-based harassment 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 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**

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

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

#### **4. OPTIONS FOR ASSISTANCE FOLLOWING AN INCIDENT OF SEX-BASED HARASSMENT**

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

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

Victims of sex-based harassment may file a report with the San Francisco or San Jose Police Departments, as appropriate. Victims may also file a report with the Institute's Title IX Coordinator. More information about reporting an incident of sex-based harassment can be found in Section 6 of this Policy, below.

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

#### **Supportive Measures.**

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

Supportive measures may include:

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

The Institute will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that it can reasonably do so and to the extent maintaining such confidentiality would not impair the ability of the Institute to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

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

#### **Support Services Available.**

Counseling, advocacy and support services are available for complainants, whether or not a complainant chooses to make an official report or participate in the Institute's grievance procedures or criminal process. **Cinta Aveda Institute does not provide counseling or health care services.**

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

**San Francisco**

San Francisco Women Against Rape (415) 647-RAPE  
Rape Treatment Center/Trauma Recovery Center (415) 437-3000

**San Jose**

YMCA Rape Crisis Center (800) 572-2782  
Community Solutions (877) 363-7238

Sexual Assault Trauma Resource Center (National) 1-800-656-4673  
National Domestic Violence Hotline 1-800-787-3224  
Domestic Violence & Rape Crisis Hotline 1-800-323-4673

**Evidence Preservation**

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

**5. TITLE IX COORDINATOR**

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

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

**San Francisco**  
Director- Mariela Onisko  
305 Kearny St  
San Francisco, CA 94108  
(415) 989-4400

**San Jose**  
Director-Mary Grace Sales  
111 W St John St  
San Jose, CA 95113  
(408) 648-2555

**6. REPORTING POLICIES AND PROTOCOLS**

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



### **Reporting to the Institute**

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

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

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

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

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

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

### **Reporting to Law Enforcement**

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

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

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

Campus safety and security are important issues at 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 sex-based harassment 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 Institute's web site at [cintaaveda.edu](http://cintaaveda.edu). This report is prepared in cooperation with the local law enforcement agencies around our campuses. Each year notification is made to all enrolled students and employees that provides the web site to access this report. Copies of the report may also be obtained in person from the Director or by calling 415-989-4400 x205 (San Francisco) or 408-648-2555 x404 (San Jose). All prospective employees may also obtain a copy from the Director.

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

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. Furthermore, 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 text messaging to students and Institute employees. Notices may also include email messages, text messages, the posting of flyers in the Institute buildings, and in-class announcements. Anyone with information warranting a timely warning or emergency notification should report the circumstances to the Institute Director by phone at 415-496-4787 (San Francisco), at 408-549-1465 (San Jose), or in person at the Institute.

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

In cases where sex-based harassment is reported by someone other than the complainant (by an instructor, classmate, or friend, for example), the Title IX Coordinator will promptly notify the complainant that a report has been received. This Policy and the Procedures will apply in the same manner as if the complainant had made the initial report. The Title IX Coordinator will make every effort to meet with the complainant to discuss available options and resources. Reports from an anonymous source will be treated in a similar fashion.

### **No Retaliation**

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

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

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

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

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

## **7. INSTITUTE POLICY ON CONFIDENTIALITY**

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

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sex-based harassment or other forms of sex discrimination. The Institute 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 Institute does not provide professional or pastoral counseling, but can assist a victim of sex-based harassment in obtaining support services from these groups or agencies.* Contact information for these support organizations is listed in Section 4 of this Policy.

**NOTE:** While these professional and pastoral counselors and advocates may maintain a victim's confidentiality vis-à-vis the 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 Institute's community, the Institute's Director of Education may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

### **Reporting to the Institute**

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

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

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

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

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

If the Institute honors the request for confidentiality, a complainant must understand that the Institute's ability to investigate the incident and pursue disciplinary action against the respondent will be limited. A

complainant may provide the Title IX Coordinator with confidential knowledge of alleged sex-based harassment and receive supportive measures from the Institute without the complainant filing a complaint and initiating an investigation. Although rare, there are times when the Institute may not be able to honor a complainant's request in order to provide a safe, non-discriminatory environment for all students.

The Title IX Coordinator will evaluate requests for confidentiality. When weighing a complainant's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the respondent will commit additional acts of sex-based harassment or other violence, such as:
  - whether there have been other sex-based harassment complaints about the same respondent;
  - whether the respondent has a history of arrests or records from a prior institution indicating a history of violence;
  - whether the respondent threatened further sex-based harassment or other violence against the complainant or others;
  - whether the sex-based harassment was committed by multiple respondents;
- Whether the sex-based harassment was perpetrated with a weapon;
- Whether the complainant is a minor;
- Whether the Institute possesses other means to obtain relevant evidence of the sex-based harassment (e.g., security cameras or personnel, physical evidence);
- Whether the Institute has a legal obligation to report the harassment to the Police or otherwise take action;
- Whether the complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

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

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

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

The Institute may not require a complainant to participate in any investigation or disciplinary proceeding.

Because the Institute is under a continuing obligation to address the issue of sex-based harassment campus-wide, reports of sex-based harassment (including non-identifying reports) will also prompt the Institute to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sex-based harassment occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/ victimization surveys; and/or revisiting its policies and practices.

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

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

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

### **8. GRIEVANCE PROCEDURES AND PROTOCOLS**

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

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

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

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

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

- 1) The complainant's request not to proceed with initiation of a complaint;
- 2) The complainant's reasonable safety concerns regarding initiation of a complaint;
- 3) The risk that additional acts of sex discrimination or harassment would occur if a complaint is not initiated.

- 4) The severity of the alleged sex discrimination or harassment, including whether the discrimination or harassment, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- 5) The age and relationship of the parties, including whether the respondent is an employee of the Institute;
- 6) The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- 7) The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- 8) Whether the Institute could end the alleged sex discrimination or harassment and prevent its recurrence without initiating these grievance procedures.

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

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

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

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

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

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

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

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

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

### **Notice**

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

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

If, in the course of an investigation, the Institute decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that

are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

### **Dismissal of a Complaint:**

The Institute may dismiss a complaint if:

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

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

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

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

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

### **Informal Resolution**

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

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

Informal resolution may also include restorative principles that are designed to allow a respondent to accept responsibility for harassment and acknowledge harm to the complainant or to the Institute 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 Institute will not compel parties to engage in mediation or to participate in any particular form of informal resolution. Participation in informal resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation and adjudication at any time, including if informal resolution is unsuccessful at resolving the complaint.

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

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

### **Investigation and Decision Process**

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

The Institute's process for responding to, investigating, and adjudicating sex-based harassment reports will continue during any law enforcement proceeding. The investigator may need to temporarily delay an investigation while the police are gathering evidence but will resume the investigation after learning that the police department has completed its evidence-gathering and will generally not wait for the conclusion of any related criminal proceeding.

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

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

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

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

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

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

- The Institute will provide an equal opportunity to access the relevant and not otherwise impermissible evidence;

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

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

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

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

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

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

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

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

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

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. Preponderance of the evidence means that the decisionmaker must be convinced based on the information it considers that the respondent was more likely than not to have engaged in the conduct at issue in order to find the respondent responsible for violating the Policy. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
  - A description of the alleged sex-based harassment;
  - Information about the policies and procedures that the decisionmaker used to evaluate the allegations;

- The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
- When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions the Institute will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the Institute to the complainant, and, to the extent appropriate, other students identified by the Institute to be experiencing the effects of the sex-based harassment; and
- The Institute's procedures and permissible bases for the complainant and respondent to appeal and when results are final.
- The Institute will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:
  - Coordinate the provision and implementation of remedies to a complainant and other people the Institute identifies as having had equal access to the Institute's education program or activity limited or denied by sex discrimination;
  - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the Institute's education program or activity.
- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

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

#### **9. SANCTIONS AND OTHER REMEDIES**

The decisionmaker shall be responsible for imposing sanctions that are:

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

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

The decisionmaker will consider relevant factors, including if applicable: (1) the specific sex-based harassment at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (2) the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the complainant; (5) the respondent's prior disciplinary history; (6) the safety of the Institute community; and (7) the respondent's conduct during the disciplinary process. The sanctioning decision will be communicated in writing to the complainant and the respondent as part of the decisionmaker's written determination.

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

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

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

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

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

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

## **10. APPEALS**

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

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

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

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

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;

- Communicate to the parties in writing that the Institute will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

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

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

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

#### **11. RECORDS DISCLOSURE & RECORDKEEPING**

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 Institute 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 [cintaaveda.edu](http://cintaaveda.edu).

The Institute will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the Institute against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

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

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

#### **12. EDUCATION AND PREVENTION PROGRAMS**

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

employees will receive primary prevention and awareness programming as part of their orientation.

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

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

#### **DEFINITIONS OF SEXUAL MISCONDUCT UNDER CALIFORNIA LAW**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*The complainant was unable to communicate due to a mental or physical condition.*

## **Bystander Intervention**

The 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.

## **Risk Reduction**

The 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 cash 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 as birth certificate, social security card, license, passport, medical records, lease, bills, etc. This will also include house keys, car keys, cash, credit cards, medicine, important numbers, and your cell phone. If you are bringing children with you, remember to bring their important papers and legal documents. You can keep all of these things in an emergency bag. You should hide the bag—it is best if it is not in your house or car. If the bag is discovered, you can call it a “tornado” or “fire” bag.

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

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

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

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

*Information on Risk Reduction was provided by RAINN: Rape, Abuse & Incest National Network: [www.rainn.org](http://www.rainn.org).*

### **13. AMENDMENTS**

The 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 Institute to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the Institute community.



**CINTA AVEDA INSTITUTE**  
**SEX-BASED HARASSMENT POLICIES & GRIEVANCE PROCEDURES**

**DEFINITIONS OF KEY TERMS**

**Complainant** means:

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

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

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

**Party** means a complainant or respondent.

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

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

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

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

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

- 1) **Quid pro quo harassment**. An employee, agent, or other person authorized by the Institute to provide an aid, benefit, or service under the Institute's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
- 2) **Hostile environment harassment**. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the Institute's education program or activity (*i.e.*, creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
  - (i) The degree to which the conduct affected the complainant's ability to access the Institute's education program or activity;

- (ii) The type, frequency, and duration of the conduct;
  - (iii) The parties' ages, roles within the Institute's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
  - (iv) The location of the conduct and the context in which the conduct occurred; and
  - (v) Other sex-based harassment in the Institute's education program or activity; or
- 3) Specific offenses.
- (i) Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
  - (ii) Dating violence meaning violence committed by a person:
    - A. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
    - B. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
      - 1. The length of the relationship;
      - 2. The type of relationship; and
      - 3. The frequency of interaction between the persons involved in the relationship;
  - (iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:
    - A. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the Institute, or a person similarly situated to a spouse of the victim;
    - B. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
    - C. Shares a child in common with the victim; or
    - D. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
  - (iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
    - A. Fear for the person's safety or the safety of others; or
    - B. Suffer substantial emotional distress.

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

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

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