

**Campus security act disclosure statement– Clery Act  
CAREER ACADEMY OF BEAUTY  
2021**

The Campus Security Act (Public Law 102-26) requires postsecondary institutions to disclose the number of instances in which certain specific types of crimes have occurred in any building or on any property owned or controlled by this institution which is used for activities related to the educational purpose of the institution. Our property consist of our building space at 12471 Valley View St. and the parking area in the front of our entrance. No other property is owned or controlled by the school or by student organizations. Public Property would be the other side of the shopping center perimeter walls such as the public street or city sidewalks. In compliance with that law, the following reflects this institution's crime statistics for the period between 1/1/2018 and 12/31/2020

On Campus                      Public Property

ACTUAL CRIME	2018	2019	2020		2018	2019	2020
Offenses							
Murder and non-negligent manslaughter	0	0	0		0	0	0
Manslaughter by negligence	0	0	0		0	0	0
Rape	0	0	0		0	0	0
Fondling	0	0	0		0	0	0
Incest	0	0	0		0	0	0
Statutory Rape	0	0	0		0	0	0
Robbery	0	0	0		0	0	0
Aggravated assault	0	0	0		0	0	0
Burglary	0	0	0		0	0	0
Motor vehicle theft	0	0	0		0	0	0
Arson	0	0	0		0	0	0
Hate Crimes							
Murder and Non-Negligent Manslaughter	0	0	0		0	0	0
Rape	0	0	0		0	0	0
Fondling	0	0	0		0	0	0
Incest	0	0	0		0	0	0
Statutory rape	0	0	0		0	0	0
Robbery	0	0	0		0	0	0
Aggravated Assault	0	0	0		0	0	0
Burglary	0	0	0		0	0	0
Motor Vehicle Theft	0	0	0		0	0	0
Arson	0	0	0		0	0	0
Larceny-Theft	0	0	0		0	0	0
Simple Assault	0	0	0		0	0	0
Intimidation	0	0	0		0	0	0
Destruction/Damage/Vandalism of Property	0	0	0		0	0	0
V.A.W.A Crimes							
Domestic Violence	0	0	0		0	0	0
Dating Violence	0	0	0		0	0	0
Stalking	0	0	0		0	0	0
Continued							

	2018	2019	2020		2018	2019	2020
Arrest for: Liquor Law Violations	0	0	0		0	0	0
Drug abuse violations Parking lot	0	1	0		0	0	0
Weapons; Carrying, Possessing, etc	0	0	0		0	0	0
Campus Referrals to police for:							
Liquor Law Violations	0	0	0		0	0	0
Drug Abuse Violations	0	0	0		0	0	0
Weapons: Carrying, Possessing, Etc	0	0	0		0	0	0

**\*Crimes of murder, manslaughter, arson, forcible rape and aggravated assault that show evidence of prejudice based on race, religion, sexual orientation, ethnicity or disability as prescribed by the Hate Crimes Statistical Act.**

Burglary vs. Larceny: An incident must meet three conditions to be classified as a burglary. 1. There must be evidence of unlawful entry (trespass). Both forcible entry and unlawful entry- no force are counted. 2. The unlawful entry must occur within a structure, which is defined as having four walls, a roof, and a door. 3. The unlawful entry into a structure must show evidence that the entry was made in order to commit a felony or theft. If the intent was not to commit a felony or theft, or if the intent cannot be determined, the proper classification is Larceny.

Arrest and referral for disciplinary action may occur for violations in regards to weapons (carrying or possessing), Drug abuse violations and liquor law violations.

1. This institution does not employ campus security personnel but encourages both its employees and students to immediately report suspected criminal activity or other emergencies to the nearest available institutional official. This can be the Administrator or your instructor/coach and/or in the event of emergency to directly contact local law enforcement or other emergency response agencies by dialing 911.
2. All students and employees are required to report any crime or emergency to their institutional Director promptly. If a student or employee wishes to report a crime that they were involved in or witnessed, on a voluntary or confidential basis, the Director, Cari Eisele, will be prepared to record and report the crime, but not the name of the informant. The student or employee may, in order to maintain confidentiality, submit the information in writing to his/her institutional official without signature. If the student wishes not to maintain confidentiality, the student will contact his/her teacher or school official who in turn will contact the Director to report criminal actions or emergencies to the appropriate agency by calling Law Enforcement or (911). CAofB will provide the student or employee with written explanation of the student's or employee's rights and options.
3. Only students & employees and other parties having business with this institution should be on institutional property. Any student entering the premises must have their badge on at all times. All visitors, clients or maintenance personnel must check in at the front desk and identify their purpose of visit or the person to be visited. Any maintenance personnel such as air conditioning repair or exterminators will be announced to the director before given permission to be in the facility. All rear access doors leading to the campus are closed and locked during evening hours starting at 5 PM. When the school closes for the night, the school's official or supervisor will inspect each classroom and bathroom to see that it is empty prior to getting ready to lock up. We set the alarms then lock down the campus at the end of each day. Other individuals present on institutional property at any time without the express permission of the appropriate institutional official(s) shall be viewed as trespassing and may as such be subject to a fine and/or arrest. In addition, students and employees present on institutional property during periods of non-operation without the express permission of the appropriate institutional official(s) shall also be viewed as trespassing and may also be subject to a fine and/or arrest.
4. Current policies concerning campus law enforcement and professional counseling are as follows:
  - A) Institution's officials have no powers of arrest other than the Citizens Arrest Law, and are required in the event of a crime or emergency to call the correct agency or dial (911) for the police and emergency services. The Citizens Arrest Law will be invoked only as a last resort, and after all other possibilities have been explored.

- B) Employees shall contact their immediate or nearest ranking supervisor to report any criminal action or emergency to the appropriate agency by calling (911). If possible, in the interim, the institutional official shall attempt to non-violently deal with the crime or emergency. Individual discretion must be used, as undue risk should not be taken.
  - C) The institution does not have pastoral or professional counselors on staff. We encourage victims to seek outside counseling, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary basis for inclusion in the annual disclosure of the crime statistics.
  - D. Title IX applies to all of the school's education programs or activities, whether such programs or activities occur on-campus or off-campus. The school may address sexual harassment affecting it's students or employees that falls outside the Title IX's jurisdiction in any manner the school choose, including providing supportive measures or pursuing discipline.
5. Students are encouraged to exercise proper care in seeing to their personal safety and the safety of others. The following is a description of policies, rules and programs designed to inform students and employees about the prevention of crimes on campus.
- a. Do not leave personal property in classrooms.
  - b. Report any suspicious persons to your institutional official.
  - c. Always try to walk in groups outside the school premises.
  - d. If you are waiting for a ride, wait within sight of other people.
  - e. Employees (staff and faculty) will close and lock all doors, windows and blinds and turn off lights when leaving
  - f. The Crime Awareness and Campus Security Act Report is available online at CAofB.com for all prospective student's, current student's staff and the public. Hard copy is available in the administration office. All current students will be given in class, an updated crimes on campus report annually in September.
  - g. The school will review the safety, VAWA and crime prevention information to students during new student orientation and once a year in September for all staff and current students. Additional copies are is available on request.
  - h. Information regarding any crimes committed on the campus or leased/attached properties (parking lot) will be available and posted in a conspicuous place within two (2) business days after the reporting of the crime and be available for sixty (60) business days during normal business hours, unless the disclosure is prohibited by law, would jeopardize the confidentiality of the victim or an ongoing criminal investigation, would jeopardize the safety of an individual, would cause a suspect to flee or evade detection, or would result in the destruction of evidence. Once the reason for the lack of disclosure is no longer in force, the institution must disclose the information. If there is a request for information that is older than sixty 60 days, that information must be made available within two (2) business days of the request.
6. All incidents shall be recorded in the Crime Incident Log in the staff office. The log includes the date, time, location, incident reported, and disposition of incident and the name of the person who took the report. The report must be entered in the log within two (2) business days after it is reported to the school's official, unless that disclosure is prohibited by law or would endanger the confidentiality of the victim.
7. This institution does not permit the sale, possession or consumption of alcoholic beverages on school property and adheres to and enforces all state underage-drinking laws.
8. The institution does not permit the possession, use or sale of illegal drugs by its employees and students and adheres to and enforces all state and Federal drug laws. The violation of these policies by students or employees may result in expulsion, termination and/or arrest.
9. Drug and Alcohol abuse education is offered during class when the Annual Security report is issued to current students. Topic that will be discussed are legal limits for Alcohol, addictive drugs, prevention and treatments along with available outside counseling and support. This information is distributed annually to students and staff. Please see Cari Eisele for personal assistance and referrals.
10. CAofB prohibits all crimes including dating violence, domestic violence, sexual assault and stalking as those terms are defined for the purpose of the Clery Act. Sexual assaults (criminal offences) on campus will be reported immediately to the Director, who will report it to(911) emergency and police units. CAofB will follow its VAWA (Violence against Women Act) policies and procedures. V.A.W.A policy is not limited to women, it covers all crimes against any student or employee, male students, Gender Identity, National origin, etc. The person who was victimized will be encouraged to seek counseling at a rape crisis center and to maintain all physical evidence until such a time as that person can be properly transported to a hospital or rape crisis center for proper treatment.

It is important to preserve all possible evidence for future conviction of the assailant. This institution has zero tolerance and prohibits crimes of dating violence, domestic violence, sexual assault, and stalking. Any violation of

this policy by students or employees may result in expulsion, while investigations are being followed, termination and /or arrest.

11. CAofB offers regularly schedule educational program to promote awareness of rape, acquaintance rape, and other forcible and non-forcible sex offenses, domestic and dating violence and stalking along with tips to keep everyone safe. The VAWA policy will be discussed to all new students during first day orientation and annually in September. CAofB prohibits all crimes including dating and domestic violence, sexual assault and stalking. Please refer to the Student Handbook for the VAWA policy for definitions of terms related to crimes, consent, bystander intervention, prevention and awareness, risk reduction. Please follow the VAWA policy on the procedure if you are a victim of alleged dating or domestic violence, sexual assault, or stalking. Although the school does not have professionally trained counselors to assist or offer you with mental health or other counseling such as victim advocacy, legal assistance, visa or immigration assistance, the Director can assist you in seeking professional help in person or in writing. Please refer to the O.C. district attorneys office for sexual assault prevention programs and victims services (714) 834-4317. Or call the rape crisis center 24 hour hotline 1-866-935-4783
12. Campus Sexual Assault Victims' bill of rights The United States Congress enacted the "Campus Sexual Assault Victims Rights" in 1992 as a part of the Higher Education Amendments of 1992. This law requires afford sexual assault victims certain basic rights such as:
  - \*Accuser and the accused must have the same opportunity to have others present.
  - \*Both parties shall be informed of their options to notify law enforcement
  - \*Survivors shall be informed of their options to notify law enforcement
  - \*Survivors shall be notified of counseling services
  - \*Both the accuser and the accused have the right to be advised of the outcome of any institutional disciplinary proceedings brought alleging a sex offense or other crime. This will disclose the alleged victim of the crime. The school will notify you, but you may also make a request in writing to Cari Eisele in Administration. If the victim is deceased then the next of kin shall be treated as the victim if they choose.
13. Bystander intervention includes recognizing situations of potential harm, recognize if a crime is being committed, If safe you can approach and help the victim, take action and intervene, if the situation is unsafe call the police or 911 and enlist the help of others around you.
14. Risk reduction is provided so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for survivors in order to promote safety and to help individuals and communities address conditions that facilitate violence. CaofB continues to monitor the facility and parking area to assure that lighting and space is free of any threats or potential unsafe areas.

### **Timely Warnings:**

A timely warning will be issued by the Director on a case by case basis when a situation arises that in the judgment of the Director constitutes an ongoing or continuing threat to our campus community. The warning will be issued in the following manner.

- \* By push notifications through Text directly to students and staff.
- \* By e-mail to students and staff through their email account.

A timely warning will include the reported offense, the location of the reported offense, the date of the reported offense if known, a description of suspects if available, and any other information that would promote safety.

### **Responding to Sexual Violence, Stalking, or Dating or Domestic Violence**

CAofB strongly encourages individuals to report incidents of sexual misconduct to the Title IX Coordinator. All CAofB employees are obligated to report sexual misconduct of which they become aware to a Title IX Coordinator, unless they have a recognized confidentiality privilege. Whether or not a survivor decides to report an incident to the police, the survivor is encouraged to immediately seek medical treatment and access counseling resources. CAofB has procedures in place that are sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, which include informing individuals about their right to file criminal charges as well as written information on the availability of medical, counseling and support services (victim advocacy, legal assistance, visa and immigration assistance, etc.), and additional remedies to prevent contact between a complainant and an accused party, such as, academic, and working accommodations, if reasonably available.

### **Medical Attention**

It is important to seek immediate and follow-up medical attention to assess and treat any physical injuries, determine the risk of sexually transmitted diseases or pregnancy, and gather evidence that could aid criminal prosecution. Even if a survivor has not been physically hurt, the medical examination (associated with reported sexual violence) is strongly recommended to maintain all legal options. After the evidence is collected, it can be stored in case criminal charges are pressed at some later date.

It is important that a survivor of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen area where they were assaulted if the offense occurred within the past 96 hours so that evidence, as may be necessary to the proof of criminal activity, may be preserved. In circumstances of sexual assault, if survivors do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Survivors of sexual assault, domestic violence, stalking, and dating violence 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 to CAofB investigators or police.

As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a survivor chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with law enforcement to preserve evidence in the event that the survivor changes her/his mind at a later date.

### **Reporting Incidents to CAofB**

CAofB strongly encourages individuals to report incidents of sexual misconduct to the Title IX Coordinator, Cari Eisele. An incident report will be filled out and the coordinator can offer counseling and facilitate support resources. Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by email, using the contact information listed for the Title IX coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at anytime, 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.

Please report domestic violence, dating violence, sexual assault, sexual harassment or stalking promptly to the **Title IX Coordinator, Coral Trujillo**  
**12471 Valley View St, Garden Grove, Ca, 92845**  
**(714) 897-3010**  
**coral@caofb.com**

### **Notifying the police**

The survivor has the right to choose whether to file a police report. Notifying the Police is a separate and distinct process from notifying the school and Title IX coordinator. The Police can assist in reviewing options and identifying and facilitating support resources that include: medical attention; legal procedures (including no contact or restraining orders). Timely reporting to the police is an important factor in successful investigation and prosecution of sexual violence cases. .

Reporting sexual violence to the police will assist in gaining information that may lead to the arrest of an offender or aid in the investigation of other incidents. The investigation and prosecution, or discipline, of the offender may help prevent future incidents. Reporting the incident does not mean a sexual violence survivor is obligated to take the offender to court (i.e., prosecute). In addition to, or instead of, possible criminal prosecution, a survivor may also choose to pursue a complaint through applicable CAofB procedures. Although CAofB strongly encourages all members of its community to report violations of this policy to law enforcement, it is the survivor's choice whether or not to make such a report and survivors have the right to decline involvement with the police.

### **Confidentiality**

CAofB will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the best of its ability. All reports and information concerning conduct that is inconsistent with this policy will be handled discreetly, with facts made available to those who need to know to respond, investigate, and/or resolve the matter.

When a complainant does not consent to the disclosure of his or her name or other identifiable information of the alleged perpetrator, CAofB's ability to respond to the complaint may be limited. In cases when a complainant

requests anonymity or does not wish to proceed with an investigation, the Title IX Coordinator will determine whether CAofB has an obligation to proceed with the investigation against the complainant's wishes based on concern for the safety or well-being of all the students and staff at CAofB. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant (for example, publicly available record-keeping for purposes of Clery Act reporting and disclosures will be made without inclusion of identifying information about the victim, as defined in 42 USC 1395 (a) (20).) Further, the institution will maintain as confidential, any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. CAofB does not publish the name of crime victims.

### **Protective Measures and Sanctions**

Regardless of whether a survivor chooses to report a crime to CAofB or local law enforcement, the Title IX Coordinator, will determine whether interim interventions and protective measures should be implemented, and, if so, take steps to implement those protective measures as soon as possible. Examples of interim protective measures include, but are not limited to: an order of no contact, safe-space zones, adjustment of course schedules, a leave of absence. These remedies may be applied to one, both, or multiple parties involved. Violations of these directives and/or protective measures will constitute violations that may lead to disciplinary action. Protective measures imposed may be temporary pending the results of an investigation or may become permanent as determined by CAofB.

Written notice of these accommodations will be issued.

In all cases, investigations that result in a finding that, more likely than not, a violation of the Policy on Sexual Misconduct, Stalking, and Dating and Domestic Violence occurred will lead to the initiation of disciplinary procedures against the accused individual.

Disciplinary sanctions that may be imposed for violations of the Policy on Sexual Misconduct, Stalking, and Dating and Domestic Violence include, but are not limited to written warnings, loss of privileges, mandatory training or counseling, probation, suspension, expulsion, for a staff member or student. And, termination of employment of a staff member. Sexual assault, domestic violence, dating violence, and stalking are criminal acts, which also may subject the perpetrator to criminal and civil penalties under federal and state law.

Students and employees should refer to the following person or agency when reporting or seeking help on a criminal incidents. Please note that any emergency that requires immediate attention should not wait to report to the school's officer but rather should contact the appropriate agency by calling (911).

**Title IX Coordinator-Coral Trujillo**  
**Career Academy of Beauty**  
**12471 Valley View St. Garden Grove, CA, 92845**  
**714) 897-3010**  
**Cari@caofb.com**

A student or employee who reports to the Title IX Coordinator that they have been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employee's rights and options.

**Supportive Measures:** The School will offer supportive measures to the person alleged to be the victim (referred to as the "complainant").

The Title IX Coordinator will promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint. The School will follow a grievance process that complies with the Final Rule before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent. The school will not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX..

Supportive measures may include counseling, notifying authorities (if no wish for confidentiality), adjusting class schedules for either party, recommending a Leave of Absence, counseling both parties together if no formal

complaint and both parties agree, and other supportive measures that seem essential under the circumstances.

**Informal Resolution**-Career Academy of Beauty will choose to offer and facilitate informal resolution options, such as mediation or restorative justice, so long as both parties give voluntary, informed, written consent to attempt informal resolution. Only the Director, Director of Education, Title IX coordinator that have been formally trained can facilitate an informal resolution. Informal resolutions are offered as a voluntary option to both parties after the school has received a formal written complaint. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. CAofB will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

**Investigation**-The school will investigate sexual harassment allegations in any formal complaint, which can be filed by a complainant, or signed by a Title IX Coordinator. A complainant's wishes with respect to whether the school investigates should be respected unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances. -If the allegations in a formal complaint do not meet the definition of sexual harassment in the Final Rule, or did not occur in the school's education program or activity against a person in the United States, the Final Rule clarifies that the school must dismiss such allegations *for purposes of Title IX* but may still address the allegations in any manner the school deems appropriate under the school's own code of conduct. The burden of gathering evidence and burden of proof remains solely the responsibility of the school, not on the parties.

**Grievance Process** -for resolving formal complaints of sexual harassment. Aside from hearings (see Issue #6 below), the grievance process will treat complainants equitably by providing remedies any time a respondent is found responsible, and treat respondents equitably by not imposing disciplinary sanctions without following the grievance process. CAofB will never pressure a survivor into filing or not filing a formal complaint or participating in a grievance process. Remedies, which are required to be provided to a complainant when a respondent is found responsible, are designed to maintain the complainant's equal access to education and may include the same individualized services described as supportive measures; however, remedies need not be non-disciplinary or non-punitive. CAofB and the school officials/ Decision Maker will provide an objective evaluation of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.

Title IX personnel (Title IX Coordinators, investigators, decision-makers, people who facilitate any informal resolution process) will be free from conflicts of interest or bias for or against complainants or respondents responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

**Time Frame**: for conclusion of the grievance process should conclude within 60 days of the formal complaint, including appeals and informal resolutions, with allowance for short-term, good cause delays or extensions.

A school's grievance process will not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

### **CAofB Procedures for Investigating and Resolving a Complaint**

The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy. The trained Title IX coordinator will counsel and document the situation. A different school official will handle investigations and a school official Decision Maker will decide on the resolution of complaints against students or staff under this policy. Consultation with the appropriate offices will investigate and work to resolve the matter.

Whether or not criminal charges are filed, the school or a person may file a complaint under the Policy on Sexual Misconduct, Stalking, and Dating and Domestic Violence. Reports of all domestic violence, dating violence, sexual assault and stalking made to CAofB will automatically be reported to the Title IX Coordinator regardless of whether the complainant chooses to pursue criminal charges.

CAofB disciplinary process will include a prompt, fair, and impartial investigation and resolution by the Title IX coordinator and the board of directors. Separate school officials will take part in taking the complaint, investigating the complaint and Conducting a live trial. The respondent is not considered responsible for the alleged conduct until a

determination regarding responsibility is made at the conclusion of the grievance process. All parties involved along with witnesses will be interviewed. Procedures in cases of alleged domestic violence, dating violence, sexual assault, and stalking provide that:

Written notification will be given when requesting a respondent or Complainant to be present for an investigative interview, meeting or hearing.

1. The Complainant and the Respondent individual each have the opportunity to make statements to the Title IX coordinator or other school official, their account of the incident. Equal opportunity will be given to present facts and expert witnesses and other inculpatory and exculpatory evidence. The school will not restrict the parties to discuss the allegations or gather evidence.
2. The Complainant and the Respondent individual each have the opportunity to be accompanied by an advisor or an attorney of their choice at any stage of the process and to be accompanied by that advisor at any meeting. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any investigation meeting. An Advisor can speak for the Claimant during a Live Trial.
3. A decision is based on the preponderance of evidence standard, i.e. "more likely than not to have occurred" standard. In other words, the conduct process asks: "is it more likely than not that the accused individual violated CAofB policy?"
4. CAofB will send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days for the parties to inspect, review, and respond to the evidence.
5. CAofB will send the parties, and their advisors, an investigative report that fairly summarizes relevant evidence, in electronic for or hard copy, within 10 days for the parties to respond.
6. Required Live Hearing-At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. - Such cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. - At the request of either party, the recipient must provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other. - Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant. - If a party does not have an advisor present at the live hearing, the school will provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party. - If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions. - Live hearings may be conducted with all parties physically present in the same geographic location or, at the school's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually. – The school will create an audio or audiovisual recording, or transcript, of any live hearing.

Note: Survivors never have to come face to face with the accused during a hearing, and an accused is never allowed to personally ask questions of a survivor.

7. The Complainant and the Respondent will be notified by the Decision maker from CAofB ( someone other than the Title IX coordinator) At the same time of the written determination regarding responsibility with the findings of the fact, conclusions about whether the alleged conduct occurred, rationale for the results as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. Information will also be included on how to file an appeal.

Disciplinary action may be imposed on a Respondent if found responsible

**Possible remedies** a school may provide a complainant and Respondent a few options or remedies to the situation. This may include disciplinary sanctions a school might impose on a respondent, following determinations of responsibility. This could include a change of schedule, Leave of Absence, suspension or termination from school.

All provisions, rules, or practices other than those required by the Final Rule that a school adopts as part of its grievance process for handling formal complaints of sexual harassment, will apply equally to both parties.



**Rape Shield Protections** for complainants. Deeming irrelevant questions and evidence about a complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.

Career Academy of Beauty has chosen to use the preponderance of the evidence standard, or the clear and convincing evidence standard, for all formal complaints of sexual harassment (including where employees and faculty are respondents)

**Appeal procedures-**

A Respondent or Complainant may both be offered an appeal from the determination regarding responsibility, and from the school's dismissal of a formal complaint or any allegations therein, on the following bases: Procedural irregularity that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, and/or Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter. The school may offer an appeal equally to both parties on additional bases.

Any appeal must be submitted in writing to the Title IX coordinator with 3 days of receiving the schools final outcome notice in writing.

Appeals will be reviewed and responded to with a final determination by the school official decision maker within 30 days of receiving the appeal, (or maximum of 60 days from receiving the initial written complaint).

**Retaliation-** CAofB prohibits retaliation. Survivors are protected against retaliation, bullying or harassment throughout the grievance process. Charging an individual with code of conduct violations that do not involve sexual harassment, but arise out of the same facts or circumstances as a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX constitutes retaliation. - The school will keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out a Title IX proceeding. -Complaints alleging retaliation may be filed according to a school's prompt and equitable grievance procedures. -The exercise of rights protected under the First Amendment does not constitute retaliation. -Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a Title IX grievance proceeding does not constitute retaliation; however, a determination regarding responsibility, alone, is not sufficient to conclude that any party made a bad faith materially false statement.

**Resources for Survivors of Domestic Violence, Dating Violence, Sexual Assault & Stalking  
Confidential Advice and Counseling Services**

The following resources are available to discuss incidents and issues related to sexual misconduct on a confidential basis. These confidential sources can advise individuals about resources, services, and options available both on- and off-campus. Because of the confidential nature of the relationship, disclosing information to or seeking advice from a confidential counselor does not constitute reporting an incident to CAofB and therefore will not result in any formal response or intervention by CAofB.

**National Domestic Violence Hotline:** 800-799-SAFE

**RAINN** (Rape, Abuse, and Incest National Network):

(800) 656-HOPE: online hotline <http://www.rainn.org>

**Garden Grove Police Department- (714) 741-5704**

**CAofB Title IX Coordinator- Cari Eisele -714-897-3010 x106- In Administration office**

**The following website provides sex offenders information in our <http://maganslaw.ca.gov>**

**Restraining Orders** - Any person who obtains an order of protection is encouraged to provide a copy to Cari Eisele, Title IX coordinator at 12471 Valley View St, Garden Grove, Ca, 92845. CAofB staff will be made aware of the "no contact" or restraining order so they are aware to look out for that person. 911 will be called if necessary.

**Missing student policy:** If a student does not attend school for 3 days without contacting the academy then the school will attempt to make contact with them or their families. CAofB will advise the direct family to file a missing person report with the police department.

The institution does not maintain any special relationship with State and local police and do not have an agreement with those police agencies (such as written memoranda of understanding) to investigate alleged crimes.

**Emergency Evacuation**- All students should familiarize with the evacuation procedures posted on the bulletin boards places around the school. In the student break room, by the second time clock and in the theory rooms.

In the case of an emergency the school will notify students by text or verbally in the building at the time. All staff is familiar with the CaofB emergency plan and can assist students to assure their safety.

**Timely Warnings:**

A timely warning will be issued by the Director on a case by case basis when a situation arises that in the judgment of the Director constitutes an ongoing or continuing threat to our campus community. The warning will be issued in the following manner.

- \*Verbal warning first to all students and staff inside the building.
- \* By push notifications through Text directly to students and staff.
- \* By e-mail to students and staff through their email account.

**Testing the Emergency Response and Evacuation procedure:** CAofB will review the procedure annually. An emergency evacuation drill will be planned either announced or unannounced tofor the students and staff. Staff will follow the Emergency evacuation plan and directions to conduct the drill.

**DEFINITIONS –**

**Complainant**-An individual who is alleged to be the victim of conduct that could constitute sexual harassment. This includes legal rights of parents and guardians to act on behalf of parties (including by filing formal complaints) in the Title IX matters.

**Domestic Violence** means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member. A family or household members are spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing together or have in the past resided together in the same single dwelling unit. Domestic Violence includes:

- a. *Physical Abuse* – Pushing, slapping, kicking, choking, and beating,
- b. *Emotional/Verbal Abuse* – verbal intimidation, credible threats, following and stalking, acting out in anger, and
- c. *Sexual Abuse or Battery* – Any unwanted touching or forcing of someone to engage in a sexual act against his or her will.

**Dating Violence** – is violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

- a. A dating relationship must have existed within the past 6 months,
- b. The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties,
- c. The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship, and
- d. The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

**Document filed by a complainant**- means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the school) that contains the complainant’s physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. -Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during a grievance process, and must comply with requirements for Title IX personnel to be free from conflicts and bias.

**Formal Complaint**-Defined as a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment and states: -At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed. -A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information.

**Respondent**- An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Sexual Violence** – sexual violence is one incident a *Sexual Battery*

1) As used in this chapter:

- (a) “Consent” means intelligent, knowing, and voluntary consent and does not include coerced submission. “Consent” shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.
- (b) “Mentally defective” means a mental disease or defect which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct.
- (c) “Mentally incapacitated” means temporarily incapable of appraising or controlling a person’s own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.
- (d) “Offender” means a person accused of a sexual offense in violation of a provision of this chapter.
- (e) “Physically helpless” means unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.
- (f) “Retaliation” includes, but is not limited to, threats of future physical punishment, kidnapping, false imprisonment or forcible confinement, or extortion.
- (g) “Serious personal injury” means great bodily harm or pain, permanent disability or permanent disfigurement.
- (h) “Sexual battery” means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.
  - (i) “Victim” means a person who has been the object of a sexual offense.
  - (j) “Physically incapacitated” means bodily impaired or handicapped and substantially limited in ability to resist or flee.
  - (k) A Lewd or Lascivious Act committed upon or in the presence of a person younger than 16 years of age.
  - (l) Luring or enticing a child (m) Sexual Performance by a Child

**Sexual Harassment Defined**: to include any of three types of misconduct on the basis of sex, all of which jeopardize the equal access to education that Title IX is designed to protect: Any instance of *quid pro quo* harassment by a school's employee; any unwelcome conduct that a reasonable person would find so severe, pervasive, and objectively offensive that it denies a person equal educational access; any instance of sexual assault (as defined in the Clery Act), dating violence, domestic violence, or stalking as defined in the Violence Against Women Act (VAWA)

Prohibits sex-based misconduct in a manner consistent with the First Amendment. *Quid pro quo* harassment and Clery Act VAWA offenses are not evaluated for severity, pervasiveness, offensiveness, or denial of equal educational access, because such misconduct is sufficiently serious to deprive a person of equal access. As one of the three categories of sexual harassment, so that where unwelcome sex-based conduct consists of speech or expressive conduct free speech and academic freedom.

**Stalking** – occurs when a person willfully, maliciously, and repeatedly follows, harass, or cyber stalks another person. Aggravated stalking occurs when that person makes a credible threat to that person through stalking. Also, to place under surveillance with the intent to kill, injure, harass or intimidate another person.

**Consent**- *Consent* is when someone agrees, gives permission, or says "yes" to sexual activity with other persons. *Consent* is always freely given.

**Supportive Measures**-as individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. -The Final Rule evaluates a school's selection of supportive measures and remedies based on what is not clearly unreasonable in light of the known circumstances, and does not second guess a school's disciplinary decisions, but requires the school to offer supportive measures, and provide remedies to a complainant whenever a respondent is found responsible.

**This institution does not provide on-campus housing.**

**Training of Title IX personnel**- Training will be done annually and will include training on the definition of sexual Harassment. The scope of the school's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. -Training will include how to ensure that decision-makers receive training on any technology to be used at a live hearing. -A school's decision-makers and investigators will receive training on issues of relevance, including how to apply the rape shield protections provided only for complainants. -Include a presumption that the respondent is not

**Policy for preparing the annual disclosures of crime statistics.**

The Disclosure of Crime Statistics report is done by the institution's director. We contact the Garden Grove Police Department District for statistics and refer the institution's Daily Incident Log annually. The results of the statistical report for the year are updated on the Campus Security Act Disclosure form. Annual reports are updated by October 1 of each year. The crimes on campus report is available online at CAofB.com. Crimes on campus records are available to the public in the administration office without inclusion of personally identifying information about the victim.

09/26/2021