

# AMERICAN BEAUTY COLLEGE

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## INFORMATION FOR

- **THE CLERY ACT**
- **ALCOHOL AND DRUG POLICY**

FOR

**AMERICAN BEAUTY COLLEGE  
WEST COVINA, CA.**

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## **A Message from the ABC Clery Compliance Team**

We are pleased to distribute the 2016-2017 Annual Security and Fire Safety Report (ASR) for American Beauty College (ABC). The ASR is prepared annually in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) and subsequent A) and the re authorization of the Violence Against Women Act (VAWA)

The Report was prepared by the ABC Clery Compliance Team which consists of members from the Executive Office and Administration of American Beauty College, with the Assistance of the West Covina Police Department. The ASR is an overall guide for many safety and security policies at ABC and can serve as a guide regarding education and prevention programs in which all community members are invited to attend. This Report also provides crime and fire statistics for the 2013-2015 Calendar years for your review.

The safety and wellbeing of our students, staff, faculty and visitors are of the utmost importance and at the forefront of what we do daily. American Beauty College works persistently to reduce the risk and potential for crime and other hazardous situations. However despite all our efforts, crimes and other hazardous situations may occur. Safety and Security is shared responsibility and we expect all ABC members to contribute to the safety and security of our campus. We ask that if you see anything which may cause to pause, to contact the West Covina Police Department immediately.

If you have any questions or suggestions regarding this publication, please feel free to contact the Administration of ABC at (626) 472-7402.

With the utmost pride!

Jose de Jesus Munoz,  
Compliance Director  
American Beauty College

**The report is available on the Internet at [www.americanbeautycollege.com](http://www.americanbeautycollege.com). Every member of ABC receives an email that describes the report and provides its website address. For more information or to request a paper copy of this report, contact the Compliance Director at (626) 472-7402**

# 2016 Annual Security and Fire Safety Report American Beauty College

The Clery Act the Jeanne Clery disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal mandate requiring all institutions of higher education that participate in the federal student financial aid program to make known crimes occurring on their campus and in the surrounding community.

The Clery Act is enforced by the U.S. Department of Education, and campuses that fail to comply are penalized with hefty fines and may be suspended from participating in federal financial aid programs. The Clery Act was signed in 1990 and is named after Jeanne Clery. She was a student who was raped and murdered in a residence hall at Lehigh University in 1986. Clery's parents lobbied Congress to enact the law so that parents, students and faculty know about crimes on campus. Compliance with the Clery Act the Clery Act requires American Beauty College (ABC) to provide timely warnings of crimes that represent a threat to the safety of students and employees. The campus security policies are made available to the public on the University website. The act requires ABC to collect, report, and make the Annual Security Report available to everyone on campus as well as to the Department of Education annually.

To be in full compliance ABC must do the following:

1. Publish and distribute the Annual Security Report to current students, prospective students and employees by October 1 of each year. The report must include crime statistics for the past three years, campus policies about safety and security measures, campus crime prevention programs, and list procedures to be followed in the investigations and prosecution of alleged sex offenses.
2. Provide students and employees with timely warnings of crimes that represent a threat to their safety. 3. WCPD Police Department must keep and make available a crime log of all crimes reported to them in the past 60 days. ABC also keeps this log.
3. Disclose fire safety information for on-campus student housing facilities. In addition to the items above this ASR addresses the Violence Against Women Act (VAWA) amendments to the Clery Act. VAWA expanded the rights afforded to campus survivors of sexual assault, domestic violence, dating violence and stalking.

Emergency procedures includes that we provide at least once a year, a drill to our students and employees and it can be announced or unannounced..

The safety and security of all members of ABC are of paramount concern.

The pages in the report contain detailed information regarding: crime prevention, fire safety, law enforcement authority, crime reporting polices, disciplinary procedures and other areas of security and safety on campus.

This report also contains information about campus crime statistics. Members of the school are encouraged to use this report as a guide for safe practices on and off campus. The report is available on the Internet at [www.americanbeautycollege.com](http://www.americanbeautycollege.com) .

All members of ABC receives an email that describes the report and provides its website address.

**For more information or to request a paper copy of this report, contact the Compliance Director's Office at (626) 472-7402**

# PRIMARY PREVENTION AND ONGOING AWARENESS PROGRAMS

ABC is dedicated to educational and prevention services. Primary prevention programs means programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. Primary prevention and ongoing educational/awareness efforts at ABC contain information about options available to victims, procedures for institutional disciplinary action, risk reduction, and bystander intervention. For Registered Sex Offender Information, visit

The school's administration promotes Violence Prevention and Victim Advocacy, ABC staff provides primary prevention programs and services, confidential victim advocacy, and training/technical assistance **services focused** on sexual assault, domestic violence, dating violence and stalking.

**Undergraduate Orientation:** At orientation students are provided with information about sexual assault, consent, and resources available to victims in accordance with the California Statutes. New students are provided with approximately one half-hour presentation about student health and safety co-led by representatives from the ABC Administrative staff. New students are provided with a peer-led discussion that includes basic information about sexual assault. This presentation is on line in our school's website at [www.americanbeautycollege.com](http://www.americanbeautycollege.com) and is available anytime for our students and employees.

**Incoming Employees:** For all new employees and all continuing employees , this statement states that our institution prohibits the crimes of domestic violence, dating violence, sexual assault and stalking; definitions of sexual assault, domestic violence, dating violence, stalking and consent, in reference to sexual activity, in ABC's jurisdiction; a description of safe and positive options for bystander intervention; and information on risk reduction

## GENERAL TRAINING SERVICES

Faculty, staff, and students who wish to learn more about sexual assault, dating violence, domestic violence and/or stalking or who wish to schedule professional development in these areas should contact [info@americanbeautycollege.com](mailto:info@americanbeautycollege.com) for a consultation and list of upcoming events. ABC staff are available to provide or coordinate training upon request. ABC staff will provide training and technical assistance about prevention strategies, supporting a survivor, and resources available on campus and in the community. They do not provide training about nor enforce policies regarding institutional reporting requirements.

The Title IX Coordinator can provide training upon request about institutional reporting requirements and resources/rights for victims of sexual assault, dating violence, domestic violence, stalking, and/or sexual harassment.

## **Signs of an abusive dating partner may include someone who:**

- calls you names, insults you or continually criticizes you.
- does not trust you and acts possessive or jealous.
- tries to isolate you from family or friends.
- takes your possessions to punish you and refuses to return them.
- monitors where you go, who you call, and who you spent time with.
- controls finances or refuses to share money.
- punishes you by withholding affection.
- expects you to ask permission from them to do what you want to do.
- threatens to hurt you, your family, your pets, or your belongings.
- threatens and/or uses a weapon against you.
- has ever forced, coerced, or manipulated you into having sex or performing sexual acts.
- accuses you of cheating or is often jealous of your relationships with others.
- traps you in your apartment or residence **hall** room and keeps you from leaving.
- social media messages, Facebook messages, tweets, text messages, and/or calls you obsessively to find out where you are and what you are doing.

Remember, sexual assault, domestic violence, dating violence, and stalking are never the fault of the victim; they are the choice of the perpetrator.

Students and employees who experience sexual assault, domestic violence, dating violence, and/or stalking have many options and services available to them on and off campus, including mental health counseling, victim advocacy, off-campus legal assistance, employee assistance and access to the criminal and campus disciplinary systems. Many services are available to victims regardless of their choice to report the incident to law enforcement, and several are available at no charge.

The campus and surrounding community have a wide range of services available to help student victims. This information is provided as part of prevention education efforts and is detailed below.

When a student or employee reports to ABC that they have been a victim of sexual assault, domestic violence, dating violence or stalking, whether the offense occurred on or off campus, ABC will provide the student or employee with written notification of the student or employee's rights and options.

## **PROCEDURES FOR REPORTING**

ABC encourages victims of sexual assault, domestic violence, dating violence and stalking to report the incident immediately to ABC at (626) 472-7402 or by calling 911. In addition to law enforcement, individuals may also report sexual assault, domestic violence, dating violence and stalking to ABC through the Compliance Director and ABC's Title IX Coordinator, who is responsible for coordinating the institution's compliance with Title IX. Incidents can be reported to the Title IX Coordinator. Following a report of sexual assault, domestic violence, dating violence and/or stalking to ABC, whether the offense occurred on or off campus, ABC will provide the student or employee a written explanation of the student's or employee's rights and options. All victims have the right to be accompanied by a person of their choosing, including a victim advocate, when they file a report and to any meetings related to institutional disciplinary proceedings.

A victim has the right and is encouraged to notify proper law enforcement authorities, including WCPD and local police, to report sexual assault, domestic violence, dating violence and stalking. Victims have the right to be assisted by campus authorities in notifying law enforcement if the victim chooses. ABC will comply with a request for assistance in notifying law enforcement. Victims also have the right to decline to notify law enforcement. If the crime occurred on ABC property, WCPD has jurisdiction. If the crime occurred off campus, the victim can notify the appropriate local law enforcement agency with jurisdiction at the location of the crime. WCPD will assist the victim in identifying the correct law enforcement agency and will assist the victim in reporting it to that agency. Victims have the right to NOT notify law enforcement or report the crime if they so choose and are over 18.

If you choose to report to WCPD, the Compliance Director's Office or the Title IX Coordinator, ABC will investigate for a hostile environment and, where applicable, pursue disciplinary action against the person alleged to have committed the offense. The Compliance Director and Title IX Coordinator are required to respond appropriately to all reports of sexual violence, and will do so when they receive notice of a possible hostile environment.

ABC provides training and information to many staff members to respond to and support victims, however, many victims do not feel comfortable talking to law enforcement, campus administrators, professors, or advisers. Healing can look different for everyone. Additional services available to victims of crime occurring both on and off campus are listed in this chapter, including confidential options that will not result in criminal or university disciplinary investigation.

When reporting sexual assault, domestic violence, dating violence and/or stalking, please note the following:

- The preservation of evidence may strengthen investigations, which may result in a better chance of holding the accused responsible or obtaining a restraining order. (Evidence may include the clothing worn at the time, a record of threatening text messages and e-mails, and bodily fluids).
- Although it is best not to shower, even if a victim has showered and changed clothes, a police report can be filed and/or medical exam can be obtained.
- Campus officials are required to provide information about options and assist in making contact with law enforcement personnel if requested.
- Filing a report will generally involve an interview with law enforcement officer or an investigating officer from the Title IX office (or both, if you choose to report to both agencies). With WCPD, you may request either a male or female officer to take your statement.

### **Do I have to report this to law enforcement?**

No. If you are a victim, you are under no pressure or obligation to report this crime to law enforcement or any other campus professional. Many victims feel that reporting the crime, or simply disclosing it to another person, such as a family member, friend, or confidential advocate helps with healing, but only you can make this decision. You may also choose to report the incident to the Office for Student Conduct and Community Standards which can initiate a campus disciplinary investigation that does not have to involve law enforcement. ABC may be required to investigate incidents of sexual assault, domestic violence, dating violence and or stalking of which it is aware. You will not be denied access to any resources if you choose not to report to law enforcement. ABC employees have an obligation to report to law enforcement or child protective services if a victim is under the age of 18.

### **What can the campus disciplinary processes do? How can I get more information?**

You have the right to ask questions about and learn about the campus disciplinary procedures before engaging the reporting process. Victims are entitled to certain rights under state and federal law.

**American Beauty College** administers the student misconduct procedure as provided in ABC's student Handbook. ABC has the following options available to them: written reprimand, denial of specified ABC privileges, imposing reasonable terms and conditions on continued student status, restitution, removal of the student. For information regarding campus disciplinary procedures for employees, please see the Employee



## **If I report to law enforcement or to ABC, will anyone tell my parents or will this appear in my student record?**

Generally, no. ABC follows applicable laws and regulations regarding the protection of student privacy and will not disclose victimization to parents or note it on your academic record. In accordance with the Family Educational Rights and Privacy Act of 1974 (FERPA), staff members may involve a parent if the student's behavior has posed or may continue to pose a significant risk to the health, safety, or well-being of themselves or others, including suicidal comments and/or attempts.

## **I am an employee. Where can I get help? What if I want a change in my working situation?**

Victims have the option to contact their supervisor, departmental Human Resources staff, School's Compliance Director, or the Title IX Coordinator directly to request a change in working situations or have an advocate make such a request on their behalf. ABC will endeavor to comply with your request for a working situation change following an alleged incident of sexual assault, domestic violence, dating violence stalking, or sexual harassment, if it is reasonably available, regardless of whether you choose to report the crime to campus or local law enforcement. There are also offices on campus that can assist you in requesting a change in your working situation.

**The Office of Workforce Relations** within the Office of Human Resources educates and coaches employees, administrators, managers, and supervisors on a variety of workforce relations practices among a diverse population of the ABC community. The Office of Workforce Relations serves the school's community by promoting mutual respect, encouraging a positive work environment, and assisting in resolving workplace issues through proactive intervention. The Office of Workforce Relations provides information and support based on University policy and practice, and assists individuals when considering the best course of action for their specific situation.

**The Dean of Students Office** can assist student-employee victims in providing them with information about and assistance in requesting work accommodations. Students who seek help from ABC Administration should know that staff in Compliance Office are required to report all known incidents of sexual assault, domestic violence, dating violence and/or stalking to the Title IX Coordinator for potential investigation.

### **What if I want legal help?**

ABC does not provide attorneys or legal assistance to victims or alleged perpetrators of sexual assault, domestic violence, dating violence or stalking. There are legal resources available in the community.

**Domestic Abuse Intervention Services (DAIS)** has a legal advocacy program for victims of sexual assault, domestic violence, dating violence and/or stalking, and they can be reached here:

**RISE Law Center** is a non-profit law office that provides culturally relevant legal representation in the following areas: family law, immigration law, civil injunctions/restraining orders, and immigration needs including U-Visas, T-Visas and VAWA self-petitions.

### **What if I need student financial aid assistance?**

**The Office of Student Financial Aid** can provide information regarding the availability of short-term emergency loans and general student financial aid. Staff in the Office of Student financial aid are required to report all known incidents of sexual assault, domestic violence, dating violence and/or stalking to the Title IX Coordinator for potential investigation.

## **ABC Disciplinary Procedures for Sexual Assault, Domestic Violence, Dating Violence, & Stalking**

ABC prohibits sexual assault, domestic violence, dating violence and stalking. American Beauty College does have policies and procedures to respond to behavior of students and employees that interfere with the School's educational and work environment.

ABC determines the type of disciplinary proceeding to use based on the status of the accused. Complaints against students for disciplinary code violations should be reported to the Administration Offices, the Compliance Director, or the Title IX Coordinator. Where the accused person is a student, the student disciplinary process will be utilized. Complaints can be submitted via email, phone or in person. Students should report employee violations to the Title IX Coordinator. Complaints can be submitted via email or in person. The Title IX Coordinator will then assist the student in continuing the complaint with the appropriate office based on the employee's category. Employees may report violations to the Title IX Coordinator. Where the accused person is an employee, the appropriate employee disciplinary process will be used based on the employee's category.

### **Office of Student Conduct and Community Standards, School**

**Director Jennifer Roman**

[jennifer.roman@americanbeautycollege.com](mailto:jennifer.roman@americanbeautycollege.com)

### **Title IX Coordinator, Office of**

**Compliance Jose de Jesus Munoz**

[jose.munoz@americanbeautycollege.com](mailto:jose.munoz@americanbeautycollege.com)

U.S. Department of Education guidelines anticipate that complaints will be resolved within 60 days of ABC receiving a complaint or notice of a hostile environment, not including appeals. ABC will make every effort to adhere to this time line, but the U.S. Department of Education acknowledges that unavoidable circumstances may delay the resolution of a complaint. Such delays will be evaluated by **ABC** on a case by-case basis. Circumstances that cause a delay may include, but are not limited to, a parallel criminal investigation, school breaks, availability of witnesses, reasonable requests by either party for an extension, the complexity of the investigation and the severity of the alleged conduct. Both parties will receive updates throughout the process.

## **Rights of Victims of Sexual Assault, Domestic Violence, Dating Violence and/or Stalking in ABC Disciplinary Proceedings**

Victims of sexual assault, domestic violence, dating violence and stalking are entitled to the following rights:

- Disciplinary proceedings that provide a prompt, fair, and impartial investigation and resolution.
- Disciplinary proceedings that are conducted by panel members who receive annual training on the issues related to domestic violence, dating violence, sexual assault and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- The same opportunity to have others present throughout disciplinary proceedings as the accused, including the opportunity to be accompanied to any related meeting or proceeding by an adviser of their choice. **ABC** will not limit the choice of adviser for either the victim or the accused in any meeting for disciplinary proceeding.
- Both parties shall be simultaneously informed, in writing, of the outcome of any disciplinary proceeding that arises from an allegation of sexual assault, domestic violence, dating violence and/or stalking; of the procedures for either party to appeal the outcome; of any change to the results that occurs prior to the time that such results become final; and of when such results become final. At no time can a victim be required to keep the outcome confidential, or be prohibited from discussing the case.
- Victims have the same rights as the accused to appeal the outcome of a disciplinary proceeding.

- Victims shall be informed of their options to notify law enforcement.
- Students and employees will be provided written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available to victims, both within the institution and in the community.
- Victims shall be notified, in writing, of options for changing academic, transportation, work, living situations and protective measures.
- Victims can obtain a free forensic exam from a Forensic Nurse Examiner without filing a police report or involving the police in any way. If additional treatment is sought, other hospital charges may apply

In addition to the rights given by federal and state law, ABC is committed to ensuring that victims of violence also have the following rights:

- The right to a victim advocate of their choosing.
- The right to access STI testing and treatment, emergency contraception, and pregnancy testing.
- The right to be informed of and have access to their own medical, mental health, Forensic Nurse Examiner, campus disciplinary, and/or victim advocacy services.
- The right to not be punished for underage drinking if reporting a sexual assault or other crime per ABC Guidelines. "In those cases where a student has been a victim of sexual assault and/or a violent crime while under the influence of alcohol, neither the Compliance Director, ABC Staff, or West Covina Police will pursue disciplinary actions against the student victim (or against a witness) for his or her improper use of alcohol (e.g., underage drinking).

A student victim who is under the influence of alcohol at the time of a sexual assault is entitled to university and community assistance and encouraged to seek help."

- The right to have options for offering their testimony in a campus disciplinary hearing, including via phone or video conference.
- ABC will disclose to the victim of a crime of violence or sex-offense, the results of any disciplinary hearing conducted by ABC against a student who is an alleged perpetrator of such crime or offense. If the victim is deceased as a result of the crime or offense, ABC will provide the results of the disciplinary hearing to the next of kin of the victim if the victim is deceased as a result of the crime, if requested in writing.

### **Protective Measures**

There are a range of protective measures ABC offers to victims who report sexual assault, domestic violence, dating violence and/or stalking. ABC will accommodate changes to academic, working, transportation and living situations if requested by the victim and reasonably available. ABC may also issue a directive ordering the alleged offender(s) and victim not to have contact with each other.

Protective measures can be ongoing, are not necessarily tied to the outcome of a disciplinary action and will be developed on a case-by-case basis in response to the request and concerns of the victim. WCPD can help victims develop a safety plan, if requested by the victim. UHS can also assist students develop a safety plan as well. For more information about institutional no-contact orders and how to request accommodations, please see the "Reporting and Resources" section of this document.

### **ABC Conduct subject to disciplinary action.**

ABC Conduct subject to disciplinary action. In accordance with the student handbook the school may discipline a student for engaging in, attempting to engage in, or assisting others to engage in any of the following types of nonacademic misconduct:

- (1) **Dangerous conduct.** Conduct that endangers or threatens the health or safety of oneself or another person.
- (2) **Sexual assault.** Conduct defined in s. 940.225, Stats. (See the State of California Crime Statutes and Definitions section of this document.)
- (3) **Stalking.** Conduct defined ins. 940.32, Stats. (See the State of California Crime Statutes and Definitions section of this document.)
- (4) **Harassment.** Conduct defined in s. 947.013, Stats. (5) **Hazing.** Conduct defined in s. 948.51, Stats. (See the State of California Crime Statutes and Definitions section of this document.)
- (5) **Hazing.** Conduct defined ins. 948.51, Stats.

- (6) **Illegal use, possession, manufacture, or distribution of alcohol or controlled substances.** Use, possession, manufacture, or distribution of alcoholic beverages or of marijuana, narcotics, or other controlled substances, except as expressly permitted by law or university policy.
- (7) **Unauthorized use of or damage to property.** Unauthorized possession of, use of, moving of, tampering with, damage to, or destruction of university property or the property of others.
- (8) **Disruption of university-authorized activities.** Conduct that obstructs or impairs university-run or university-authorized activities, or that interferes with or impedes the ability of a person to participate in university-run or school-authorized activities.
- (9) **Forgery or falsification.** Unauthorized possession of or fraudulent creation, alteration, or misuse of any university or other governmental document, record, key, electronic device, or identification.
- (10) **Misuse of computing resources.** Conduct that involves any of the following:
  - (a) Failure to comply with laws, license agreements, and contracts governing university computer network, software, and hardware use.
  - (b) Use of school's computing resources for unauthorized commercial purposes or personal gain.
  - (c) Failure to protect a personal password or university-authorized account.
  - (d) Breach of computer security, invasion of privacy, or unauthorized access to university computing resources.
- (11) **False statement or refusal to comply regarding a university matter.** Making a knowingly false oral or written statement to any university employee or agent of the university regarding a university matter, or refusal to comply with a reasonable request on a school matter.
- (12) **Violation of criminal law.** Conduct that constitutes a criminal offense as defined by state or federal law.
- (13) **Serious and repeated violations of municipal law.** Serious and repeated off-campus violations of municipal law. (14) Violation of Ch. ABC 18. Conduct that violates Ch. ABC 18, including, but not limited to, provisions regulating fire safety, theft, and dangerous weapons.
- (15) **Violation of university rules.** Conduct that violates any published university rules, regulations, or policies, including provisions contained in university contracts with students.
- (16) **Noncompliance with disciplinary sanctions.** Conduct that violates a sanction, requirement, or restriction imposed in connection with previous disciplinary action.
- (17) **Dating violence.** Violence committed by a student against another person with whom they are in a "dating relationship" as defined in s. 813.12{1} (ag) Stats. (See the State of California Crime Statutes and Definitions section of this document.)
- (18) **Domestic violence.** Conduct defined as "domestic abuse" in ss. 813.12{1}(am) and 968.075 Stats. (See the State of California Crime Statutes and Definitions section of this document.)
- (19) **Sexual Harassment.** Conduct defined in s. 111.32(13) Stats or as defined in Board of Regent Policy that addresses sexual harassment. (See the Sexual Harassment chapter of this document.)

**ABC Disciplinary sanctions.**

- (1) The disciplinary sanctions that may be imposed for nonacademic misconduct, in accordance with the procedures of ABC are any of the following:
  - (a) A written reprimand.
  - (b) Denial of specified university privileges.
  - (c) Payment of restitution.
  - (d) Educational or service sanctions, including community service.
  - (e) Disciplinary probation.
  - (f) Imposition of reasonable terms and conditions on continued student status.
  - (g) Removal from a course in progress.
  - (h) Enrollment restrictions on a course or program.
  - (i) Suspension.
  - (j) Expulsion.

Notes on disciplinary sanctions: Suspension may be up to 2 years and is typically imposed in 1-week increments (i.e. 1 week, 2 weeks, 3 weeks, 2 years). Upon completion of a suspension period, a student who is academically eligible may re-enroll, provided all conditions from previous disciplinary sanctions have been met. Denial of specified university privileges may include such sanctions as restrictions on participation in extra curricular activities, depending on the facts of the case and the status of the parties. Educational or service sanctions can include, but is not limited to, participating in prevention programming, taking a drug and alcohol abuse assessment and following up with mandatory counseling, taking a counseling assessment and following up with mandatory counseling, or mandatory alcohol education. Such sanctions, if imposed, will be determined on a case-by-case basis.

## **The Student Disciplinary Process**

In addition, ABC has implemented supplemental disciplinary procedures for investigations and hearings involving sexual assault, sexual harassment, dating violence, domestic violence or stalking, pursuant to federal law. Sexual harassment, Sexual assault, dating/domestic violence, and stalking cases receive a prompt, fair, and impartial investigation and resolution. The process described below provides a summary of what can be expected from the student disciplinary process.

## **Investigation**

If a report is received alleging that a student has engaged in conduct that may violate ABC Guidelines as it applies to Title IX, including sexual assault, domestic violence, dating violence, and/or stalking, the information will be provided to the Title IX Coordinator within the Office of Compliance.

If the alleged misconduct includes sexual assault, domestic violence, dating violence, or stalking and ABC proceeds with the disciplinary process, the Title IX Coordinator will begin an investigation. The University's Title IX coordinator serves as the primary investigator in student discipline cases involving allegations of sexual assault, dating violence, domestic violence or stalking. The Title IX coordinator receives extensive annual and ongoing training on the approaches and techniques for conducting comprehensive and impartial investigations, including training on how to gather and weigh evidence, trauma-informed interviewing techniques, and recognizing and adjusting for potential conflicts of interest. The Title IX coordinator also receives training on how to conduct investigations that are aligned with the University's student discipline process. In some cases, the University uses additional investigators who are hired on a contract basis. These investigators receive similar training.

Investigations and resolutions of these cases proceed regardless of any criminal investigation or proceeding. An investigation may be temporarily postponed while law enforcement gathers evidence, then will be promptly resumed and completed within time lines set by the Department of Education, generally 60 calendar days. Any postponements or extensions will be communicated to the complainant and student respondent.

Prior to the start of an investigation, the Dean of Students Office will provide the complainant with written notification of existing counseling, health, mental health, victim advocacy, legal assistance and other services available both on campus and in the community, along with written explanation of the complainant's rights and options. The complainant does not have to agree to participate in the disciplinary process to receive resources. Both the complainant and student respondent have the right to be accompanied to interviews, meetings and hearings by a support person of their choosing, and ABC will not limit the choice of support person.

If the complainant agrees to be interviewed, the complainant may be accompanied by a person of their choosing and will meet with the assigned investigator. Once the complainant interview is complete, the investigator will send a letter to the student respondent that includes the allegations and an invitation to meet. The student respondent may be accompanied by a support person of their choosing at the meeting.

The investigator will also interview relevant witnesses and/or review relevant witness statements, if any, and review any documentary evidence provided by the complainant, the student respondent or other sources, including witnesses.

Once the investigation is complete, the investigator will prepare a report outlining the information gathered in the investigation. The report will be submitted to the Office of Student Conduct and Community Standards (OSCCS).

The staff member in the OSCCS assigned to the case will review the information in the report to determine if the evidential standard, preponderance of the evidence, has been met and whether any violation has occurred. OSCCS staff members involved in cases related to sexual assault, domestic violence, dating violence and stalking receive

annual training related to those issues. The OSCCS staff member consults with at least two other members of the OSCCS in making this determination. Once a decision has been reached, the OSCCS staff member sends a letter to both the complainant and the student respondent outlining the findings and, where applicable, the recommended sanction(s). At all steps of the process, regardless of whether there is a finding of responsibility against the student respondent, reasonable measures will be taken to ensure mitigation of any hostile environment for the complainant.

If the OSCCS staff member determines the student respondent is not responsible for the alleged misconduct by a preponderance of the evidence, the complainant may appeal the OSCCS staff member's determination. The appeal must be made, in writing, within fourteen days of receiving written notification of the OSCCS staff member's "no preponderance" determination. The appeal should be sent to the Executive Director [jennifer.roman@americanbeautycollge.com](mailto:jennifer.roman@americanbeautycollge.com). The decision shall be based upon the record gathered during the investigation. The decision of the OSCCS staff member will be upheld unless the executive director or designee finds:

- (a) The information in the record does not support the findings or decision;
- (b) Appropriate procedures were not followed which resulted in material prejudice to the student respondent or complainant; or
- (c) The decision was based on factors proscribed by state or federal law.

Upon receiving a timely written appeal of a "no preponderance" determination, the Office of the Chancellor or designee will notify the student respondent. The chancellor or designee shall issue a written decision within thirty days. The written decision will be simultaneously sent to the complainant and the student respondent.

If the determination of "no preponderance" is reversed, the Dean or designee may: send the case back for further investigation, send the case back for hearing, or order other appropriate relief not inconsistent with the. If the determination of "no preponderance" is upheld, the complainant may appeal to the Administration at American Beauty College. The Administration, in its discretion, may consider an appeal based on the written record. The appeal must be made, in writing, within fourteen days of receiving the written decision from the dean or designee. The appeal should be sent to the Director [jennifer.roman@americanbeautycollege.com](mailto:jennifer.roman@americanbeautycollege.com)

### ***Informal Hearing***

If the OSCCS staff member determines that misconduct occurred, the student respondent has the right to a formal hearing to contest the determination that the student respondent engaged in misconduct, contest the disciplinary action recommended, or both. At ABC, hearings for sexual assault, dating/domestic violence, and stalking are conducted only via hearing committee. The hearing may be scheduled at the student respondent's request or may be scheduled automatically, depending on the recommended sanction. In cases where the recommended discipline includes suspension or expulsion, ABC guidelines provides for the hearing to be scheduled automatically unless the student respondent waives the right to the hearing in writing via a settlement agreement.

Committee members made up of Compliance, the School Director, the LEAD Instructor, and any designee for all academic misconduct and non-academic misconduct are trained on various topics, including but not limited to ABC Guidelines, the hearing outline, weighing information, assessing credibility, confidentiality, and recusal. Committees that hear cases regarding sexual assault, domestic violence, dating violence and/or stalking are required to attend a sensitive-case training on an annual basis led by a forensic nurse from the Forensic Nurse Examiner Program. The training is trauma informed and covers victim response, sensitive interviewing of victims of sexual violence, consent, the role alcohol and other drugs can play in obtaining and giving consent, and the "preponderance of the evidence" standard.

The Office of Student Conduct and Community Standards will take action to schedule the hearing, typically within 15 days of the completion of the investigator's written report or receipt of the student-respondent's request for a hearing. The hearing itself is typically scheduled within 45 days of the completion of the investigator's written report or receipt of the student-respondent's request for a hearing. No less than 5 days before the hearing, the investigating officer provides to the hearing committee, in writing, a full explanation of the facts upon which the determination of misconduct was based, and also provides the respondent and complainant with access to or copies of the investigating officer's explanation, together with any other materials provided to the committee by the investigating officer. Information about the complainant or student respondent's past disciplinary history, if any, will not be shared with the opposite party unless permitted by the Family Educational Rights and Privacy Act (FERPA).

In any hearing (whether by student request or automatically scheduled) the complainant and the student respondent maintain the right to be accompanied by a support person, including the right to be advised by counsel at their own expense, the right to question witnesses, and the right to obtain a copy of the audio recording of the hearing. As per ABC Guidelines, at all times, the student respondent shall have the opportunity to hear and respond to the information presented against them and be afforded the opportunity to present questions to adverse witnesses, including the complainant. Hearing procedures may be modified to allow the complainant to provide information in a manner that prevents a hostile environment. Such modifications may include, but are not limited to, having the complainant and student respondent pose questions to each other through their respective advisors or through the hearing committee.

Only material witnesses may address a hearing committee. Character statements may be included in written materials considered by the committee. A support person is permitted to speak at the hearing only if the sanction recommended is suspension, expulsion, or if there is a concurrent criminal case. The committee determines, by majority vote, whether the student respondent is responsible for violating the code of conduct based on a preponderance of the evidence standard.

### ***Post-Hearing and Appeal***

If the complainant or student respondent want a written transcript of the proceedings, they may have one prepared at their own expense.

ABC provides simultaneous notification, in writing, to both the complainant and student respondent of the result of the disciplinary hearing, the procedures for appeal, any change in the result and when the results become final.

Both the complainant and student respondent may appeal in writing to the chancellor within 14 days of the date of the decision of the hearing committee. The appeal is based upon the record. The other party will be notified of the appeal.

The chancellor or designee has 30 days from receipt of an appeal to respond and will uphold the decision unless the chancellor or designee finds any of the following: the information in the record does not support the findings or decision, appropriate procedures were not followed which resulted in material prejudice to the student respondent or complainant, or the decision was based on factors proscribed by state or federal law. If the chancellor or designee finds one of those factors exist, the chancellor or designee may return the matter for consideration, or may invoke an appropriate remedy of their own. The decision will be communicated simultaneously to the student respondent and the complainant.

Decisions by the chancellor or designee are final, except that the Board of Regents may, at its discretion, grant a review upon the record, upon written request submitted by any party within 14 days of the final institutional decision. The non-appealing party will receive notice of the appeal.

Retaliation against a complainant or student respondent for exercising his or her rights under these procedures is prohibited and may be conduct subject to separate disciplinary action. A complainant or student respondent who has experienced retaliation should notify the investigating officer, the Title IX Coordinator the Dean of Students Office.

### **Relevant Excerpts from ABC Guidelines**

The process described above provides a summary of what people can expect from the student disciplinary process. Below you will find additional sections of ABC Chapter 17 upon which the process described above is based:

#### **ABC Disciplinary procedure.**

- (1) **Process.** The investigating officer may proceed in accordance with this section to impose, subject to hearing and appeal rights, one or more of the disciplinary sanctions listed ins. ABC Guidelines.
- (2) **Conference with respondent.** When the investigating officer concludes that proceedings under this section are warranted, the investigating officer shall promptly contact the respondent in person, by telephone, or by electronic mail to offer to discuss the matter, review the investigating officer's basis for believing that the respondent engaged in nonacademic misconduct, and to afford the respondent an opportunity to respond. If the respondent fails to respond to the investigating officer's offer to discuss the matter, the investigating officer may proceed to make a determination on the basis of the available information. A complainant shall have all the rights provided to the respondent in this subsection.
- (3) **Determination by the investigating officer that no disciplinary sanction is warranted.** If, as a result of a discussion or review of available information, the investigating officer determines that nonacademic

misconduct did not in fact occur, or that no disciplinary sanction is warranted under the circumstances, the matter will be considered resolved without the necessity for further action. The investigating officer shall simultaneously notify the respondent and the complainant of this outcome and offer to discuss it separately with either one. If the investigating officer determines that nonacademic misconduct did not occur or that no disciplinary sanction is warranted, the complainant may appeal this decision in accordance with ABC Guidelines.

**(4) Process following determination by the investigating officer that nonacademic misconduct occurred.**

(a) If, as a result of a discussion, or review of available information, the investigating officer determines that nonacademic misconduct did occur and that one or more of the disciplinary sanctions listed under ABC Guidelines should be recommended, the investigating officer shall prepare a written report which shall contain all the following:

1. A description of the alleged misconduct.
2. A description of all information available to the university regarding the alleged misconduct. Such information shall be available to the complainant and the respondent, except as may be precluded by applicable state or federal law.
3. Specification of the sanction sought.
4. Notice of the respondent's right to a hearing.
5. A copy of this chapter and of the institutional procedures adopted to implement this section.

(b) The written report shall be delivered simultaneously to the respondent and complainant, excluding any information that may be precluded by applicable state or federal law.

(c) A respondent who receives a written report under this section has the right to a hearing to contest the determination that nonacademic misconduct occurred, the choice of disciplinary sanctions, or both.

1. Where the disciplinary sanction sought is one of those listed in ABC Guidelines

(1) (a) to (g), and if the respondent desires a hearing, the respondent shall file a written request with the student affairs officer within 10 days of the date the written report is delivered to the student. If the respondent does not request a hearing within this period, the determination of nonacademic misconduct shall be regarded as final, and the disciplinary sanction sought shall be imposed.

2. Where the disciplinary sanction sought is one of those listed in

(1) (h) to (j), the investigating officer shall forward a copy of the written report under par. (b) to the student affairs officer. The student affairs officer shall, upon receipt of the written report, proceed to schedule a hearing on the matter. A hearing shall be conducted unless the respondent waives, in writing, the right to such a hearing.

**ABC informal Hearing.**

- (1) A respondent who requests a hearing, or for whom a hearing is scheduled, shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee. In cases of sexual assault, dating violence, domestic violence, stalking or sexual harassment the university shall have the right to decide whether the matter will be heard by a hearing examiner or a hearing committee.
- (2) If a respondent requests a hearing, or a hearing is required to be scheduled, the student affairs officer shall take the necessary steps to convene the hearing and shall schedule it within 15 days of receipt of the request or written report. The hearing shall be conducted within 45 days of receipt of the request or written report, unless a different time period is mutually agreed upon by the respondent and investigating officer, or is ordered or permitted by the hearing examiner or committee.
- (3) No less than 5 days in advance of the hearing, the hearing examiner or committee shall obtain from the investigating officer, in writing, a full explanation of the facts upon which the determination of misconduct was based, and shall provide the respondent and complainant with access to or copies of the investigating officer's explanation, together with any other materials provided to the hearing examiner or committee by the investigating officer, including any additional available information.
- (4) The hearing shall be conducted in accordance with the following guidance and requirements:
  - (a) The hearing process shall further the educational purposes and reflect the university context of nonacademic misconduct proceedings. The process need not conform to state or federal rules of criminal or civil procedure..
  - (b) The respondent shall have the right to question adverse witnesses, the right to present information and witnesses, the right to be heard on his or her own behalf, and the right to be accompanied by an advisor of the respondent's choice. The advisor may be a lawyer. In cases where the recommended disciplinary sanction is identified to (h), the advisor may counsel the respondent, but may not directly question adverse witnesses, present information or witnesses, or speak on behalf of the respondent except at the discretion of the hearing examiner or committee. In cases where the recommended disciplinary sanction is identified in (i) or (j), or where the respondent has been charged with a crime in connection with the same conduct for which the disciplinary sanction is sought, the advisor may question adverse witnesses, present information and witnesses, and speak on behalf of the respondent. In accordance with the educational



purposes of the hearing, the respondent is expected to respond on his or her own behalf to questions asked of him or her during the hearing. The complainant shall have all the rights provided to the respondent in this subsection.

(c) The hearing examiner or committee:

1. Shall admit information that has reasonable value in proving the facts, but may exclude immaterial, irrelevant, or unduly repetitious testimony.
2. Shall observe recognized legal privileges.
3. May take reasonable steps to maintain order, and to adopt procedures for the questioning of a witness appropriate to the circumstances of that witness's testimony, provided, however, whatever procedure is adopted, the respondent and complainant are allowed to effectively question the witness.

(d) The hearing examiner or committee shall make a record of the hearing. The record shall include a verbatim record of the testimony, which may be a sound recording, and a file of the exhibits offered at the hearing. The respondent and the complainant may access the record except as may be precluded by applicable state or federal law.

(e) The hearing examiner or committee shall prepare written findings of fact and a written statement of its decision based upon the record of the hearing.

(f) A hearing examiner's or committee's finding of nonacademic misconduct shall be based on one of the following:

1. Clear and convincing evidence, when the sanction to be imposed is one of those listed in (1) (h) to (j).
2. A preponderance of the evidence, when the sanction to be imposed is one of those listed in (1) (a) to (g).
3. A preponderance of the evidence, regardless of the sanction to be imposed, in all cases of sexual harassment, sexual assault, dating violence, domestic violence or stalking.

(g) The hearing examiner or committee may impose one or more of the disciplinary sanctions listed in ABC (1) (a) to (g) that differs from the recommendation of the investigating officer. Sanctions under s. ABC (1) (h) to (j) may not be imposed unless previously recommended by the investigating officer.

(h) The hearing shall be conducted by the hearing examiner or committee, and the university's case against the respondent shall be presented by the investigating officer or his or her designee.

(i) The decision of the hearing examiner or committee shall be prepared within 14 days of the hearing, and delivered simultaneously to the respondent and the complainant, excluding information that may be precluded by state or federal law. The decision shall become final within 14 days of the date on the written decision, unless an appeal is taken under ABC Guidelines.

(j) If a party fails to appear at a scheduled hearing and to proceed, the hearing examiner or committee may either issue a decision based upon the information provided.

### **ABC 17.13 Appeal to the Executive Director**

- (1) Where the sanction prescribed by the hearing examiner or committee is one of those listed in s. ABC 17.10 (1) (h) to (j), the respondent may appeal to the chief administrative officer within 14 days of the date of the written decision to review the decision of the hearing examiner or committee, based upon the record. In cases involving sexual assault, dating violence, domestic violence, stalking or sexual harassment, the complainant shall be notified of the appeal.
- (2) In cases involving sexual assault, dating violence, domestic violence, stalking or sexual harassment, the following appeal rights shall be provided:
  - (a) The complainant may appeal in writing to the chief administrative officer within 14 days of the date of the decision of the investigating officer pursuant to s. ABC 17.11(3), the hearing committee, or examiner pursuant to s. ABC 17.12(i). The appeal shall be based upon the record. The respondent shall be notified of the appeal.
  - (b) The respondent may appeal in writing to the chief administrative officer within 14 days of the date of the decision of the hearing committee, or examiner pursuant to s. ABC 17.12(i). The appeal shall be based upon the record. The complainant shall be notified of the appeal.
- (3) The chief administrative officer has 30 days from receipt of an appeal to respond and shall sustain the decision unless the chief administrative officer finds any of the following:

- (a) The information in the record does not support the findings or decision.
- (b) Appropriate procedures were not followed which resulted in material prejudice to the respondent or complainant.
- (c) The decision was based on factors proscribed by state or federal law. (4) If the chief administrative officer makes a finding under sub. (3), the chancellor may return the matter for consideration, or may invoke an appropriate remedy of his or her own. The chief administrative officer's decision shall be communicated simultaneously to the respondent and the complainant.

**Institutional decisions shall be final.**

**ABC Settlement.**

The procedures set forth in this chapter allow the university and a respondent to enter into a settlement agreement regarding the alleged misconduct, after proper notice has been given. Any such agreement and its terms shall be in writing and signed by the respondent and the investigating officer or student affairs officer. The case is concluded when a copy of the signed agreement is delivered to the respondent. The investigating officer shall confer with the complainant regarding the proposed settlement and provide notice of the outcome.

**Employee Disciplinary Procedures**

ABC has three major categories of employees: Administration, Teachers and School Staff. Each of these categories of employees has distinct procedures for discipline and dismissal, which are provided below. In addition, ABC has various types of at-will employees, including limited appointees, teaching assistants (TA), project assistants (PA), other employees-in-training and student hours. All employees may be subject to one or more of the following disciplinary responses: letter of expectations, written reprimand, unpaid suspension, dismissal, demotion, revocation of responsibilities, reassignment, and retraining.

On July 1, 2016, revisions to the administrative rules known as California Admin. Code, "Procedures for Dismissal of Faculty," ABC, California Admin. Code, "Dismissal of Faculty in Special Cases," and California Admin. Code, "Dismissal of Academic Staff for Cause" went into effect. These rule revisions were initiated in 2014 to comply with the directives outlined in Title IX, the Dear Colleague Letter issued by the US Department of Education Office for Civil Rights, and the Violence Against Women Act.

American Beauty College developed a system of individual procedures for discipline and dismissal based on the California Administrative Code provisions mentioned above. The discipline and dismissal procedures for Faculty and Academic Staff members are developed through shared-governance processes. The discipline and dismissal procedures for School Staff employees are based upon standards developed under the State classified civil service requirements and currently remain in effect. Based on the changes that went into effect in July 2016, ABC will update its campus disciplinary and dismissal procedures.

ABC will ensure that all employee disciplinary procedures are compliant with federal law on an ad hoc basis until such revisions to the ABC campus written procedures are completed. All employee disciplinary actions originating from a complaint of sexual assault, domestic violence, dating violence and/or stalking will include the following components:

- Proceedings will be prompt, fair and impartial.
- Proceedings will be conducted by officials who receive, at minimum, annual training on issues related to sexual assault, domestic violence, dating violence and/or stalking, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- A hearing examiner's or committee's finding of misconduct will be based on a preponderance of the evidence.

- The complainant will have the same opportunity as the respondent to have others present during a disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice.
- ABC will not limit the choice of advisor or presence of advisor for either the respondent or the complainant in any meeting or institutional disciplinary proceeding; however, ABC may establish restrictions regarding the extent to which the advisor may participate in the proceedings that apply equally to both parties.
- The complainant and respondent will receive simultaneous notification of
  1. The result of any institutional disciplinary proceeding that arises from an allegation of sexual assault, domestic violence, dating violence and/or stalking.
  2. ABC's procedures for the complainant and respondent to appeal the result, if available.
  3. Any change to the result.
  4. When the result becomes final.
- Proceedings will be completed with reasonably prompt time frames and will include a process that allows for extension of the frames for good cause with written notice to the complainant and respondent of the delay and reason for delay.
- The complainant and respondent will be provided timely notice of any meeting at which the respondent or complainant or both may be present.
- The complainant, respondent and appropriate officials will be provided timely and equal access to any information that will be used during informal and formal disciplinary meetings and hearings.
- Proceedings will be conducted by officials who do not have a conflict of interest or bias for or against the complainant or respondent.

## Faculty

### "Procedures for Dismissal of Faculty"

#### DISMISSAL FOR CAUSE

(1) Any faculty member having tenure may be dismissed only by the board and only for just cause and only after due notice and hearing. Any faculty member having a probationary appointment may be dismissed prior to the end of his/her term of appointment only by the board and only for just cause and only after due notice and hearing. A decision not to renew a probationary appointment or not to grant tenure does not constitute a dismissal.

(2) A faculty member is entitled to enjoy and exercise all the rights and privileges of a United States citizen, and the rights and privileges of academic freedom as they are generally understood in the academic community. This policy shall be observed in determining whether or not just cause for dismissal exists. The burden of proof of the existence of just cause for a dismissal is on the administration.

#### RESPONSIBILITY FOR CHARGES

- (1) Whenever the Executive Director of our School receives a complaint against a faculty member which he or she deems substantial and which, if true, might lead to dismissal the chancellor, or designee, shall within a reasonable time initiate an investigation and shall, prior to reaching a decision on filing charges, offer to discuss the matter informally with the faculty member. For complaints of sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the chancellor, or designee, shall appoint the Title IX Coordinator, or designee, to initiate an investigation in accordance with applicable policies. The chancellor, or designee, shall also offer to discuss the matter informally with the complainant, and provide information regarding rights under this chapter. Both the faculty member and the complainant shall have the right to be accompanied by an advisor of their choice at any meeting or proceeding that is part of the institutional disciplinary process. A faculty member may be dismissed only after receipt of a written statement of specific charges from the chancellor as the chief administrative officer of the institution and, if a hearing is requested by the faculty member, in accordance with the provisions of this chapter. If the faculty member does not request a hearing, action shall proceed along normal administrative lines.
- (2) Any formal statement of specific charges for dismissal sent to a faculty member shall be accompanied by a statement of the appeal procedures available to the faculty member.

- (3) The statement of charges shall be served personally or by certified mail, return receipt requested. If such service cannot be made within 20 days, service shall be accomplished by first class mail and by publication as if the statement of charges were a summons and the provisions were applicable. Such service by mailing and publication shall be effective as of the first insertion of the notice of statement of charges in the newspaper. If the statement of charges includes sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the statement shall be provided to the complainant upon request, except as may be precluded by applicable state or federal law.

## **HEARING.**

If the faculty member requests a hearing within 20 days of notice of the statement of charges (25 days if notice is by first class mail and publication), such a hearing shall be held not later than 20 days after the request except that this time limit may be enlarged by mutual written consent of the parties, or by order of the hearing committee. The request for a hearing shall be addressed in writing to the chairperson of the standing faculty committee created Adequate due process.

- (1) A fair hearing for a faculty member whose dismissal shall include the following:
- (a) Service of written notice of hearing on the specific charges at least 10 days prior to the hearing;
  - (b) A right to the names of witnesses and of access to documentary evidence upon the basis of which dismissal is sought;
  - (c) A right to be heard in his/her defense;
  - (d) A right to an advisor, counsel, or other representatives, and to offer witnesses;
  - (e) A right to confront and cross-examine adverse witnesses. If the complaint involves sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the hearing committee may reasonably restrict the faculty member or the complainant from questioning each other;
  - (f) A verbatim record of all hearings, which might be a sound recording, provided at no cost;
  - (g) Written findings of fact and decision based on the hearing record;
  - (h) Admissibility of evidence.
- (2) If the complaint involves sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the complainant shall have all the rights provided to the faculty member except as may be precluded by applicable state or federal law.

## **PROCEDURAL GUARANTEES.**

- (1) Any hearing held shall comply with the requirements. The following requirements shall also be observed:
- (a) The burden of proof of the existence of just cause is on the administration or its representatives; For complaints involving sexual harassment, sexual assault, dating violence, domestic violence, or stalking, the standard of proof shall be a preponderance of the evidence;
  - (b) No faculty member who participated in the investigation of allegations leading to the filing of a statement of charges, or in the filing of a statement of charges, or who is a material witness shall be qualified to sit on the committee in that case;
  - (c) The hearing shall be closed unless the faculty member under charges requests an open hearing, in which case it shall be open
  - (d) The faculty hearing committee may, on motion of either party, and, if the complaint involves sexual harassment, sexual assault, dating violence, domestic violence, or stalking, on the motion of The complainant, disqualify any one of its members for cause by a majority vote. If one or more of the faculty hearing committee members disqualify themselves or are disqualified, the remaining members may select a number of other members of the faculty equal to the number who have been disqualified to serve, except that alternative methods of replacement may be specified in the rules and procedures adopted by the faculty establishing the standing committee.
  - (e) The faculty hearing committee shall not be bound by common law or statutory rules of evidence and may admit evidence having reasonable probative value but shall exclude immaterial, irrelevant, or unduly repetitious testimony, and shall give effect to recognized legal privileges;
  - (f) If the faculty hearing committee requests, the chancellor shall provide legal counsel after consulting with the committee concerning its wishes in this regard. The function of legal counsel shall be to advise the committee, consult with them on legal matters, and such other responsibilities as shall be determined by the committee within the provisions of the rules and procedures adopted by the faculty of the institution in establishing the standing faculty committee.
  - (g) If a proceeding on charges against a faculty member not holding tenure is not concluded before the faculty member's appointment would expire, he/she may elect that such proceeding be carried to a final decision. Unless he/she so elects in writing, the proceeding shall be discontinued at the expiration of the appointment;

(h) If a faculty member whose dismissal is sought has requested a hearing, discontinuance of the proceeding by the institution is deemed a withdrawal of charges and a finding that the charges were without merit;

(i) Nothing in this section shall prevent the settlement of cases by mutual agreement between the administration and the faculty member, with board approval, at any time prior to a final decision by the board;

(j) Adjournment shall be granted to enable the parties, including the complainant, to investigate evidence as to which a valid claim of surprise is made.

## **SERIOUS CRIMINAL MISCONDUCT**

(1) In this chapter, "serious criminal misconduct" means:

(a) Pleading guilty or no contest to, or being convicted of a felony, in state or federal court, where one or more of the conditions in par. (b), (c), (d) or (e) are present, and the felony involves any of the following:

1. Causing serious physical injury to another person.
2. Creating a serious danger to the personal safety of another person.
3. Sexual assault.
4. Theft, fraud or embezzlement.
5. Criminal damage to property.
6. Stalking or harassment.

(a) substantial risk to the safety of members of the university community or others is posed.

(b) The university's ability, or the ability of the faculty member's colleagues, to fulfill teaching, research or public service missions is seriously impaired.

(c) The faculty member's fitness or ability to fulfill the duties of his or her position is seriously impaired.

(d) The opportunity of students to learn, do research, or engage in public service is seriously impaired.

(2) Conduct, expressions, or beliefs which are constitutionally protected, or protected by the principles of academic freedom, shall not constitute serious criminal misconduct.

(3) Except as otherwise expressly provided, a faculty member who has engaged in serious criminal misconduct shall be subject to the procedures set forth.

## **COMPLAINTS ABOUT FACULTY MEMBERS.**

Complaints against faculty members alleging facts which, if true, might constitute adequate cause for discipline shall be in writing and shall be filed with the vice chancellor for academic affairs and provost.

## **ACTION BY PROVOST ON COMPLAINTS.**

- A.** On receiving a complaint concerning a faculty member, the provost shall determine whether the complaint deals with scholarly misconduct and/or other misconduct.
- B.** Complaints alleging scholarly misconduct shall be dealt with according to Faculty Guidelines. A formal allegation of misconduct in scholarly research will be referred to the chair of the department (or functional equivalent) or to the corresponding academic dean or, in the case of conflict of interest on the part of the chair or academic dean.
- C.** If the complaint alleges misconduct other than scholarly misconduct, the provost shall determine whether a prim face case exists for the imposition of discipline or for dismissal. The provost shall also consider the timeliness of the complaint, particularly in light of related state and federal limitations statutes. As used in this section, a prim face case for discipline exists whenever the information submitted in support of the complaint would warrant disciplinary action, if considered on its face to be true and not subject to refutation or exculpatory explanation. A prima facie case for dismissal exists whenever this standard is met, but with the additional requirement that the information submitted in support of the complaint be of such substantial character that the magnitude of the alleged conduct warrants contemplation of dismissal if determined to be true. If a prima facie case does not exist or if the complaint is not considered timely, the complaint shall be dismissed.
- D.** Whenever the provost receives a complaint against a faculty member which he/she deems substantial and which, if true, might lead to dismissal under the school's rules and regulations.

## INVESTIGATION AND FURTHER ACTION.

If the provost determines that a prima facie case exists for imposition of discipline or dismissal and the case is timely, he/she shall institute an investigation by appointing an investigator or investigators of his/her choosing. The provost shall also offer to discuss the matter with the faculty member concerned, giving the faculty member an opportunity to speak to the matter, and shall provide the faculty member with a written statement of the matter(s) to be investigated. The faculty member shall also receive a copy of the original signed complaint, subject to the possible need to redact information pertaining to third parties that will not be considered part of the investigation. The faculty member concerned shall have the right to be advised and represented by counsel or other representative at his/her expense throughout the investigation and thereafter.

## Sexual Harassment

ABC policy as well as state and federal law prohibit sexual harassment. Some acts may constitute both sexual assault and sexual harassment. Unwelcome sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature constitute sexual harassment when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or education;
- Submission to or rejection of such conduct by an individual is used as the basis for academic or employment decisions affecting that individual; or
- Such conduct has the purpose or effect of substantially interfering with an individual's academic or professional performance or creating an intimidating, hostile, or demeaning employment or educational environment.

When sexual harassment occurs, it degrades the quality of work and education at ABC. It erodes the dignity and productivity of the individuals involved and diminishes the quality, effectiveness and stature of the institution. Any one of us may experience harassment, be accused of harassment, or be consulted by someone who thinks they have been harassed.

Sexual harassment can occur in any setting: in the workplace, the learning environment or university programs. Each of us has a duty not to harass others and to act responsibly when confronted with the issue of sexual harassment. Principal investigators, supervisors, managers, department chairs, directors and deans have additional responsibilities: individuals in positions of authority must not engage in sexual harassment, must take reasonable measures to prevent sexual harassment and take immediate and appropriate action when they learn of allegations of sexual harassment, including by contacting ABC's Title IX coordinator.

Sexual harassment includes conduct directed by a person at another person of the same or opposite gender and also includes conduct directed at someone based on their gender identity or gender expression.

**Unwelcome** means the behavior was not requested or invited and that the person subjected to the behavior found the behavior undesirable or offensive. In determining whether behavior is unwelcome, it is important to take power differentials into account. When the person engaging in the behavior is in a position of power relative to the person being subjected to the behavior, it may be difficult for the person being subjected to the behavior to object to it. Therefore, in some cases, even acquiescence to the behavior will not be interpreted to mean the behavior was welcome.

**Physical conduct and expressive behavior of a sexual nature** includes but is not limited to: objectively offensive touching; kissing; sexual intercourse; sexual advances; indecent exposure; fondling; repeated requests for dates; explicit references to sex; describing a person's feelings for another; sexually derogatory comments; posting of sexually explicit drawings or pictures; sexually derogatory taunts; sexual innuendo; vulgar language and obscenities; and other types of sexual statements and personal attention.

### **Tangible Action or Quid Pro Quo (This for That) Sexual Harassment**

Occurs when employment or academic decisions resulting in a significant change in status are based on an employee or student's submission to or rejection of unwelcome verbal or physical conduct of a sexual nature.

### **Hostile Environment Sexual Harassment**

Occurs when verbal, non-verbal and/or physical conduct is:

1. Is sexual in nature (including when based on gender)
2. Is unwelcome, and
3. Substantially interferes with an individual's academic or professional performance or creates an intimidating, hostile or demeaning employment or educational environment.

A determination of sexual harassment is made on a case-by-case basis looking at the totality of the circumstances including the nature of the sexual conduct, the context in which the conduct occurred, the type, frequency, and duration of the conduct, the relationship between the parties, and the impact of the conduct on the affected individual(s). Some behaviors which may be acceptable in certain contexts are inappropriate in the workplace or classroom, particularly if an objection is expressed.

### **Key Points About Sexual Harassment**

- Differences in power or status can be a significant component in sexual harassment cases. In cases where such differences exist, the fact that a person does not object or seems to acquiesce to sexual conduct does not mean they welcomed the conduct. In such cases, a person may still experience tangible action harassment or hostile environment harassment. In addition, behavior by someone in a position of power over the person who is subjected to the behavior may create a hostile environment more quickly than if the behavior is engaged in by someone where no such power differential exists.
- Sexual harassment can occur between men and women or between members of the same gender and can also be based on gender identity or gender expression.
- Sexual harassment may or may not involve a tangible injury (e.g., economic loss, lowered grades).
- Sexual harassment must be addressed and corrected regardless of the position or status of the harasser or the person being harassed.
- Conduct is not always offensive or unwelcome to the same degree when perceived by different people. ABC uses a "reasonable person" standard to determine whether the contested behavior constitutes sexual harassment that violates ABC policies.
- Individuals in positions of authority are responsible for ensuring that employees, students, and others do not harass. In an academic or program setting, offenders can be faculty, instructors, lecturers, teaching assistants, coaches, tutors, fellow students or program participants. In the workplace, offenders can be supervisors, coworkers or non-employees such as vendors, customers and suppliers.
- The person filing a sexual harassment charge does not have to be the person harassed but could be anyone significantly harmed by the harassing conduct.
- Harassment does not have to be reported immediately, but a significant delay may be a factor in the evaluation of a complaint. Under Wisconsin law, a report must be filed within 300 days of the most recent act of alleged harassment.
- Allegations involving expression in instructional settings will be assessed using ABC's Prohibited Harassment Policy as it applies to academic speech.
- Some behavior that is not in violation of ABC policies may, nonetheless, be unprofessional under the circumstances. Consequences of such unprofessional behavior may include poor performance evaluations or possible discipline.
- Retaliation against persons who make a complaint of sexual harassment, participate in the investigation of a complaint of sexual harassment or assist others who raise a concern about sexual harassment is strictly prohibited.

## **Services and Resources on Campus to Assist Victims of Sexual Harassment**

ABC has a network of people trained to assist with questions and concerns about sexual harassment. You should feel free to contact any one of them (listed below). Call 911 immediately if your safety is at risk.

ABC is committed to preventing sexual harassment and will take prompt and appropriate corrective action whenever it learns that sexual harassment has occurred. Employees are encouraged to report incidents or concerns to a supervisor, manager, department chair, director, or dean for appropriate action and resolution. These administrators are expected to consult with the Title IX coordinator when responding to such reports. Sexual harassment (and other prohibited harassment or discrimination) also may be reported directly to the Title IX Coordinator, the Office of Compliance, the Office for Equity and Diversity, the Office of Student Conduct and Community Standards or the Dean of Students Office.

### **Title IX Coordinator**

The Title IX Coordinator is responsible for overseeing ABC's efforts to comply with the requirements of Title IX of the Education Amendments of 1972, a federal law that prohibits discrimination on the basis of sex, including sexual harassment, in educational programs and activities that receive federal financial assistance. The provisions of this law apply to all of the programs and activities sponsored by ABC. The Title IX Coordinator assists with the development and implementation of policies adopted by ABC to prevent and respond to acts of sex discrimination, including sexual harassment. At ABC, the Title IX Coordinator oversees ABC's complaint investigation and resolution processes in cases raising allegations of sex discrimination. The Title IX Coordinator also assists with the development and implementation of programs to raise awareness about and prevent sex discrimination.

Complaints alleging sex discrimination, including sexual harassment, can be filed directly with the Title IX Coordinator. The Title IX Coordinator is also available to answer questions and provide information about sexual harassment and other forms of sex discrimination. The Title IX Coordinator also presents professional development and training sessions for faculty, staff, and students focusing on sexual harassment and other forms of sex discrimination.

Jose de Jesus Munoz, **Office of Compliance**

### **Office of Compliance**

While many persons choose to have their concerns addressed at the departmental level, ABC provides the opportunity for complaint reporting, investigation and resolution through the Office of Compliance (OC). OC is available to receive complaints of sexual harassment and other forms of prohibited discrimination or harassment. The OC houses the Title IX Coordinator and the Equal Opportunity Complaint Investigator. The determination regarding who conducts the investigation is made based on the status of the complainant and the respondent at the time the alleged discrimination occurred.

- When an allegation of sexual harassment is made against a student, the OC Title IX Coordinator will investigate the allegation in coordination with the Office of Student Conduct and Community Standards.
- When an allegation of sexual harassment is made against someone who is not a student (e.g., employees, visitors, contractors and others who are not university employees but who participate in university programs and activities), the investigation will be conducted independently by OC through the Equal Opportunity Complaint Investigator with consultation provided as needed by the Title IX Coordinator. This also includes students accused of sexual harassment while acting in the capacity of an employee (e.g., teaching assistant, research assistant, etc.).

In all cases where formal complaints are filed, OC will conduct prompt, thorough and impartial investigations. If informal resolution is an appropriate alternative, OC will work with individuals to facilitate a resolution that assures that sexual harassment is corrected and does not recur.

OC collaborates with the Office of Equity and Diversity to provide professional development and training sessions for faculty, staff, and students focusing on sexual harassment and other forms of sex discrimination.

Jennifer Roman, Director

### **Office for Equity and Diversity (OED)**



OED is available to receive inquiries about sexual harassment and other forms of prohibited discrimination or harassment. OED will provide information about complaint processes, available resources for support and assistance and available training opportunities. OED presents professional development and training sessions for faculty, staff, graduate assistants and limited appointees focusing on sexual harassment and consensual relationships, on an ongoing basis. This includes presentations for English language learners and for second and third-shift employees.

### ***The Office of Student Conduct and Community Standards (OSCCS)***

Student conduct policies are an integral part of the educational mission and goals of ABC to foster teaching, learning, research, and service activities in living and learning environments that are safe and free from violence, harassment, fraud, theft, disruption, or intimidation. The student nonacademic misconduct process is one of many tools that ABC uses to foster the personal and academic development of its students. Additionally, the disciplinary process may also be an appropriate means for ABC to ensure the safety of our community.

Student conduct rules are found in the School Guidelines Packet and apply to ABC campuses and students. One of these chapters prohibits non-academic misconduct (i.e., misconduct toward other members of the community, including, but not limited to, alcohol and drug use, sexual harassment, sexual assault, dating violence, and stalking).

At ABC, OSCCS is charged with enforcing code, our staff members are available to speak or meet with any individual wishing to learn more about the student disciplinary process or report a violation, including acts of sexual harassment. Rules and campus-specific procedures are available through the Orientation Packet which contains the School Guidelines or online. Jennifer Roman, Dean and Director

### **Dean of Students Office (DOSO)**

DOSO exists to support the academic mission of ABC and to assist and support students in finding their own unique path to success. DOSO works with students individually with academic concerns, crisis situations, mental health issues and interpersonal stresses. DOSO can assist students with obtaining interim and protective measures in instances where the students report a hostile environment caused by sexual harassment. These measures can pertain to a student's academic, housing, employment or transportation circumstances.

DOSO assists faculty and staff with concerns they are having regarding students, policies, and classroom management and is available to consult with faculty and staff on a variety of topics. DOSO emphasizes collaboration to support student success both inside and outside the classroom. At the center of DOSO's mission, DOSO supports student success by creating a culture of caring on campus.

### **The Employee Assistance Office (EAO)**

EAO assists faculty and staff with maintaining and enhancing both their personal and professional lives, and offers services to promote emotional well-being. All individuals are treated in a respectful manner. The Employee Assistance Office has resources assist with family violence, sexual abuse, emotional problems and many other issues.

### ***The Office of Human Resources***

The Office of Human Resources is available accept reports of sexual harassment and support those who report. The Office of Human Resources may need to inform the Title IX Coordinator of reports made alleging sexual harassment.

### ***End Violence on Campus (EVO) Victim Advocacy***

End Violence on Campus (EVO) Victim Advocacy is a campus-based confidential victim advocacy and support services available to any ABC student who has experienced sexual harassment. Staff members provide information about reporting options, accompany students to appointments and hearings, and can provide consultation to faculty, staff and/or parents.

Counseling (Advising) & Consultation Services, Business hours and after-hours crisis line: (626) 472-7402

### **Ombuds Office**

The ABC Ombuds Office facilitates understanding, communication, and resolution of conflict for all ABC employees. The office serves as an impartial and confidential means of promoting dialogue among parties on campus. The office was established as part of the ABC's commitment to foster a courteous and considerate climate conducive to productivity and well-being for all ABC employees. An Ombuds will listen to your concerns, clarify procedures, discuss options, and, if requested and appropriate, serve as an intermediary in attempting to resolve disputes. Ombuds work independently from ABC administrative offices; discussing a matter with an Ombuds is confidential. The Ombuds Office is not authorized to accept notice of claims against ABC.

## **ABC Alcohol and Drug Resource Information, Policy, & Laws**

### **Alcohol and Drug Abuse Programs and Interventions**

ABC provides a variety of programs and interventions for drug and alcohol abuse. If you are concerned about your own use of alcohol or drugs, confidential information, assessment, referral, and short-term counseling services are available through our ABC admin staff. Call Substance Abuse Services at (855)993-5336. Insurance may affect your ability to use off-campus alcohol and other drug service providers, and ABC urges all students and employees to have adequate insurance coverage.

Information about ABC's full compliance with the Drug Free Schools Act, including the descriptions of drug and alcohol abuse education and intervention programs can be found in your orientation packet.

### **ABC ALCOHOL AND DRUG POLICY**

ABC prohibits the unlawful possession, use, distribution, manufacture, sale or dispensing of alcohol and illegal drugs by students and employees on school property or as part of school activities. It is illegal to procure for, sell, dispense or give away alcohol to anyone who has not reached the legal drinking age of 21 years and is unaccompanied by a parent, spouse or guardian who has reached the legal drinking age of 21 years. It is illegal for anyone who has not reached the legal drinking age of 21 years and is unaccompanied by a parent, spouse or guardian who has reached the legal drinking age of 21 years to procure, possess or consume alcohol beverages, subject to exceptions.

ABC and WCPD enforce all local, state and federal laws regarding the possession, use, distribution, manufacture, sale or dispensing of alcoholic beverages on University property and at ABC-sponsored activities, including underage drinking. ABC and WCPD enforce all local, state and federal laws regarding the possession, use, distribution, manufacture, sale or dispensing of illegal drugs on University property and at ABC-sponsored activities. ABC expects all students, employees and visitors to comply with all local, state and federal alcohol and drug laws. Members of the ABC community who violate local, state or federal drug and alcohol laws, or who violate ABC or UW-System policies regarding drug and alcohol sale, use or possession may face criminal and/or disciplinary sanctions.

#### *ABC Specific Alcohol Beverage Policy, ABC Campus-wide Administrative Policy*

ABC and the California Administrative Code prohibits the use or possession of alcohol beverages on all school premises except as specifically permitted by institutional regulations. ABC has developed specific institutional regulations to permit the use and possession of alcohol beverages by individuals above the minimum legal drinking age. Students and employees who fail to comply with ABC regulations are subject to disciplinary action.

This policy covers the possession or consumption of alcohol beverages by any individual on university lands, at university facilities, and at all university events. This policy is applicable to events held both on and off campus including those held in other municipalities, states, and nations.

## ABC Discipline

Violation of alcohol and drugs laws or policies by a student may lead to the imposition of a disciplinary sanction, up to and including suspension or expulsion under California Adm. Code. Alcohol and drug education programs are utilized as a conduct sanction for alcohol policy violations committed by ABC students. For alcohol misuse, students may be referred to Choices about Alcohol or BASICS (Brief Alcohol Screening & Intervention for College Students), to address high risk drinking practices among college students. For marijuana use, students may be referred to CASICS (Cannabis Screening & Intervention for College Students) to identify harm reduction strategies or minimize use. Student organizations or groups violating alcohol and drug policies or laws may also be subject to discipline by ABC. Violations of local, state or federal laws may result in civil forfeitures or criminal prosecution.

School employees are also subject to disciplinary sanctions for violation of ABC policies and of local, state and federal drug and alcohol laws occurring on university property or the worksite or during work time, up to and including termination from employment. Disciplinary sanctions are initiated and imposed in accordance with applicable procedural requirements and work rules, as set forth in California statutes, administrative rules, faculty and academic staff policies, and classified staff policies and procedures. Referral for prosecution under criminal law is also possible.

## Alcohol and Drug Prohibitions

- (1) ALCOHOL BEVERAGES.
  - (a) The use or possession of alcohol beverages is prohibited on all university premises, except in faculty and staff housing and as permitted by the chief administrative officer, subject to statutory age restrictions. The chief administrative officer may generally permit the use or possession of alcohol beverages by promulgating institutional regulations in consultation with appropriate staff and students, or in specific instances by written permission.
  - (b) No person may procure, sell, dispense or give away alcohol beverages to any person under the legal drinking age.
  - (c) In this subsection "alcohol beverages" means fermented malt beverages and intoxicating liquors containing 0.5% or more of alcohol by volume.
  - (d) Notwithstanding institutional regulations developed pursuant to this subsection shall be reported to the president of the system for review and approval.
- (2) POSSESSION OF DRUG PARAPHERNALIA.

No person may use, or possess with the primary intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or controlled substance analog.
- (3) POSSESSION OF MARIJUANA.

No person may intentionally use or possess marijuana on school property.

## Additional Statutory Penalty Provisions Regulating Conduct on School grounds

(1) Controlled substances. The use or possession of controlled substances is prohibited on all school property

## 2016 American Beauty College Annual Security Report and Annual Fire Safety Report

### California State Code

Underage drinking by persons 21 and under is a civil law violation and is subject to the following legal sanctions under California State Code:

Underage persons; presence on licensed premises; possession; penalties.

(1) Alcohol beverages; restrictions relating to underage persons.

(a) Restrictions.

1. No person may procure for, sell, dispense or give away any alcohol beverages to any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
2. No licensee or permitted may sell, vend, deal or traffic in alcohol beverages to or with any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age.
3. No adult may knowingly permit or fail to take action to prevent the illegal consumption of alcohol beverages by an underage person on premises owned by the adult or under the adult's control. This subdivision does not apply to alcohol beverages used exclusively as part of a religious service.
4. No adult may intentionally encourage or contribute to a violation of sub. (4) (a) or (b).

(b) Penalties.

1. In this paragraph, "violation" means a violation of this subsection or of a local ordinance that strictly conforms if the violation results in an imposition of a forfeiture or a conviction. For purposes of determining previous violations the 30-month period shall be measured from the dates of violations that resulted in an imposition of a forfeiture or a conviction. For the purpose of determining whether or not a previous violation has occurred, if more than one violation occurs at the same time all those violations shall be counted as one violation.
2. A person who commits a violation may be:
  - a. Required to forfeit not more than \$500 if the person has not committed a previous violation within 30 months of the violation.
  - b. Fined not more than \$500 or imprisoned for not more than 30 days or both if the person has committed a previous violation within 30 months of the violation.
  - c. Fined not more than \$1,000 or imprisoned for not more than 90 days or both if the person has committed 2 previous violations within 30 months of the violation.
  - d. Fined not more than \$10,000 or imprisoned for not more than 9 months or both if the person has committed 3 or more previous violations within 30 months of the violation.
3. A court shall suspend any license or permit issued under this chapter to a person for:
  - a. Not more than 3 days, if the court finds that the person committed a violation within 12 months after committing one previous violation;
  - b. Not less than 3 days nor more than 10 days, if the court finds that the person committed a violation within 12 months after committing 2 other violations; or
  - c. Not less than 15 days nor more than 30 days, if the court finds that the person committed the violation within 12 months after committing 3 other violations.
4. The court shall promptly mail notice of a suspension under this paragraph to the department and to the clerk of each municipality which has issued a license or permit to the person.
5. A person who holds a Class "A" license, a Class "B" license or permit, a "Class A" license or a "Class B" license or permit who commits a violation is subject to their license being revoked.
6. Only one person may be imposed under this paragraph for each underage person who is provided alcohol beverages contrary to this section or a local ordinance in conformity with this section.

**UNDERAGE PERSONS; PROHIBITIONS; PENALTIES.**

- (a) Any underage person who does any of the following is guilty of a violation :
1. Procures or attempts to procure alcohol beverages from a licensee or permitted.
  2. Unless accompanied by a parent, guardian or spouse who has attained the legal drinking age, possesses or consumes alcohol beverages on licensed premises.
  3. Enters, knowingly attempts to enter or is on licensed premises in violation.
  4. Falsely represents his or her age for the purpose of receiving alcohol beverages from a licensee or permitted.
- (b) Except as provided in par. (bm), any underage person not accompanied by his or her parent, guardian or spouse who has attained the legal drinking age who knowingly possesses or consumes alcohol beverages is guilty of a violation

(bg) Paragraphs (a) and (b) do not apply to an underage person employed by or assisting a law enforcement agency in carrying out enforcement activities to determine compliance with, or investigate potential violations of, the provisions of this section.

(bm) An underage person may possess alcohol beverages in the course of employment during his or her working hours if employed by any of the following:

1. A brewer or brewpub.
2. A fermented malt beverages wholesaler.
3. A permitted other than a Class "B" or "Class B" permitted.
4. A facility for the production of alcohol fuel.
5. A retail licensee or permitted for delivery of unopened containers to the home or vehicle of a customer.
6. A campus, if the underage person is at least 18 years of age and is under the immediate supervision of a person who has attained the legal drinking age

**Amnesty for Certain Persons at ABC**

An underage person may not be issued a citation for, or convicted of, a violation if all of the following apply:

- The underage person is a crime victim or bystander and either the crime victim or the bystander requested emergency assistance, by dialing the telephone number "911" or by other means, in connection with the alleged crime or the underage person encountered a law enforcement officer at a medical facility at which the crime victim received treatment in connection with the alleged crime.
- The underage person remains at the scene until emergency assistance arrives and thereafter cooperates with providers of emergency assistance, including furnishing any requested information, unless the underage person lacks capacity to cooperate when emergency medical assistance arrives. If the underage person encounters a law enforcement officer at a medical facility, the underage person cooperates with the officer and furnishes any requested information, unless the underage person lacks capacity to cooperate with the officer.

If the underage person is a student at **American Beauty College**, the board or an institution or college campus may not impose any of the following disciplinary sanctions against a student for the student's violation of underage drinking or possession or use of an illegal substance, if the student is exempt from issuance of a citation for, or conviction of,

the violation under the amnesty law: removal of a course in progress, enrollment restrictions on a course or program, suspension or expulsion, exclusion from events becomes unavailable to ABC Administration. However, this amnesty does not apply to an underage person who requests emergency assistance, by dialing the telephone number "911" or by other means, with an intention to claim the protections in knowing that the situation that he or she reports does not exist.

## 2016 ABC Security Report and Annual Fire Safety Report

### Compilation of the 2016 Annual Security Report

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires the distribution of an Annual Security Report to all current faculty, staff, and students and notice of its availability to prospective students, faculty, and staff. This document, referred to as the "Annual Security Report and Annual Fire Safety Report" or "AFSR," is one of many mechanisms designed to inform current and potential American Beauty College school members of crime, arrest and referral statistics, of current crime response, reporting, prevention and awareness policies, including policies regarding sexual assault, domestic violence, dating violence and stalking, of campus disciplinary policies and relevant state laws, and of campus safety and security. This ASR includes crime, arrest, and referral statistics for the previous three calendar years concerning reported crimes that occurred on campus, or property owned or controlled by American Beauty College, and on public property within, or immediately adjacent to and accessible from, the campus. The Fire Report at the end the document contains current ABC fire safety protocols and fire statistics for the previous three calendar years.

Statistics are gathered through reports from the West Covina Police Department (WCPD), the School Director's Office, the in house records of Student Conduct and ABC Community Standards, the Title IX Coordinator, and other Authorities. WCPD also requested crime statistics from outside law enforcement agencies that may have jurisdiction over incidents occurring in the area. WCPD and the records we keep of Student Conduct and Community Standards, collaborated in compiling the crime, arrest and referral statistics to ensure statistics are not missed or double counted. A copy of this report is disseminated to faculty, staff, and students on-line and is given in hard copy in their orientation packet. Crimes are classified using the FBI Uniformed Crime Reporting Handbook, the National Incident Based Reporting System Handbook and The Handbook for Campus Safety and Security Reporting (2016). California law is used to define drug, liquor and weapons law violations, as well as incidents of domestic and dating violence.

### Campus Crime Statistics Charts

In this chapter are statistical charts for calendar years 2016, 2015 and 2014. The past few years have brought many changes to how ABC tracks and reports Clery crimes that occur in and around campus. Differences in categories from year to year are explained in introductions to the charts. Differences in the statistics themselves reflect the number of crimes reported, and not necessarily a difference in the rate of crime itself. The data does not reflect prosecutions, convictions or the outcome of disciplinary actions.

Crimes statistics published in this document reflect crimes that are reported to have occurred in one of four federally defined locations. Crimes that are reported to have occurred outside of the following locations are not included in this report. The four federally defined locations are:

**On-campus property** is defined as any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including classrooms; and any building or property that is within or reasonably contiguous to above that is owned by the institution but controlled by another person, frequently used by students, and supports institutional purposes (such as a food or other retail vendor.) This does not apply to our School. {We do not offer On-Campus Services}

**Public property** is defined as all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from campus.

## 2016 Campus Crime Statistics

Notes on 2016 statistics:

- Underage drinking is a civil offense in the state of California, not a criminal offense, and therefore tickets issued for underage drinking are not classified as "arrests," as per Clery Act regulations.
- Though not required to be disclosed by the Clery Act, cases reported under Unknown Type of Sex Offenses indicate that the report to a Campus Security Authority did not provide enough information to determine the type of a particular sex offense.
- In accordance with *The Handbook for Campus Safety and Security Reporting* {2016}, dating and domestic violence offenses are now counted separately. Also in accordance with *The Handbook* and the Comments to the Final Regulations for the Violence Against Women Act (VAWA) (34 CFR Part 668, 2014), crimes committed between roommates or former roommates are not counted in "Domestic Violence" or "Dating Violence" statistics. In order to be counted as "Dating Violence" or "Domestic Violence," "the relationship between the perpetrator and the victim must be more than two people cohabitating together. The people cohabitating together must be current or former spouses or have an intimate relationship." (*Handbook*, 2016}
- In accordance with new guidance from the Department of Education, Unfounded Crimes are reported in aggregate.

	# of On Campus Property	On-Campus Incidents That Occurred in Student Housing	Public Property	Non Campus Property
<b>Arrests</b>				
Liquor Law Violation	0	0	0	0
Drug Law Violation	0	0	0	0
Weapons Law Violation	0	0	0	0
<b>Disciplinary Referrals</b>				
Liquor Law Violation	0	0	0	0
Drug Law Violation	0	0	0	0
Weapons	0	0	0	0
<b>Criminal Offenses</b>				
Murder and Non-Negligent Manslaughter	0	0	0	0
Manslaughter by Negligence	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0

Burglary	0	0	0	0
Motor Vehicle Theft	0	0	0	0
Arson	0	0	0	0

## 2016 Campus Crime Statistics (continued)

	# of On-Campus Incidents That Occurred			
	On Campus Property	in Student Housing	Public Property	Non Campus Property
<b>Sexual Assault (Sex Offenses)</b>				
Rape	0	0	0	0
Fondling	0	0	0	0
Incest	0	0	0	0
Statutory Rape	0	0	0	0
Unknown Type of Sex Offense	0	0	0	0
<b>VAWA Offenses</b>				
Domestic Violence	0	0	0	0
Dating Violence	0	0	0	0
Stalking	0	0	0	0
<b>Hate Crimes</b>				

In 2016, there were 0 hate crimes reported that qualified for inclusion in this report:

### Unfounded Crimes

0 reported crimes were unfounded in 2015.

## 2015 Campus Crime Statistic

Notes on 2015 statistics:

- Underage drinking is a civil offense in the state of California, not a criminal offense, and therefore tickets issued for underage drinking are not classified as "arrests," as per Clery Act regulations.
- Dating violence is a form of domestic violence in California, therefore, dating violence incidents are included in the domestic violence statistics. In accordance with the Comments to the Final Regulations for the Violence Against Women Act, crimes committed between roommates or former roommates are not counted in "Domestic/Dating Violence" statistics. For Clery Act purposes, Dating/ Domestic Violence "requires more than just two people living together; rather the people cohabitating must be spouses or have an intimate relationship."
- Though not required to be disclosed by the Clery Act, cases reported under Unknown Type of Sex Offenses indicate that the report to a Campus Security Authority did not provide enough information to determine the type of a particular sex offense.



- 2014 statistics include "Unfounded Crimes," as per federal regulations that became effective July 1, 2015. For example: of the O total reported motor vehicle thefts. Previous annual statistics do not include this information, but subsequent annual statistics will, beginning with this 2015 chart.

	# of On-Campus Incidents that occurred				
	Property	in Student Housing	Public Property	Non Campus Property	Unfounded Crimes
<b>Arrest</b>					
Liquor	0	0	0	0	0
Drugs	0	0	0	0	0
Weapons	0	0	0	0	0
<b>Disciplinary Referrals</b>					
Liquor	0	0	0	0	0
Drugs	0	0	0	0	0
Weapons	0	0	0	0	0
<b>Criminal Offenses</b>					
Murder & Non-Negligent Manslaughter	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault It	0	0	0	0	0
Burglary	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
<b>Sexual Assault (Sex Offenses)</b>					
Rape	0	0	0	0	0
Fondling	0	0	0	0	0
Incest	0	0	0	0	0
Statutory Rape	0	0	0	0	0
Unknown Type of Sex Offense	0	0	0	0	0
<b>Domestic/Dating Violence</b>	0	0	0	0	0
<b>Stalking</b>	0	0	0	0	0
Hate Crimes					

There were 0 hate crimes reported in 2015.

## 2014 Campus Crime Statistics

Note on 2014 statistics:

- Underage drinking is a civil offense in the state of California, not a criminal offense, therefore, tickets issued for underage drinking are not classified as "arrests," as per Clery Act regulations.
- Dating violence is a form of domestic violence in California, therefore, dating violence incidents are included in the domestic violence statistics. Also included are the new categories of rape, fondling, incest and statutory rape, in place of forcible and non-forcible sex offenses. Previous annual statistics do not include this information, but subsequent annual statistics will, beginning with this 2013 chart.
- Though not required to be disclosed by the Clery Act, cases reported under Unknown Type of Sex Offenses indicate that the report to a Campus Security Authority did not provide enough information to determine the type of a particular sex offense.

	# of incidents that occurred			
	On campus Property	In housing	Public Property	Non-campus Property
• <b><u>Arrests</u></b>				
• Liquor	0	0	0	0
• Drugs	0	0	0	0
• Weapons	0	0	0	0
• <b><u>Disciplinary Referrals</u></b>				
• Liquor	0	0	0	0
• Drugs	0	0	0	0
• Weapons	0	0	0	0
• <b><u>Criminal Offenses</u></b>				
• Murder and Non-Negligent Manslaughter	0	0	0	0
• Negligent Manslaughter	0	0	0	0
• Robbery	0	0	0	0
• Aggravated Assault	0	0	0	0
• Burglary	0	0	0	0
• Motor Vehicle Theft	0	0	0	0
• Arson	0	0	0	0
• <b><u>Sexual Assault Sex Offenses)</u></b>				
• Rape	0	0	0	0
• Fondling	0	0	0	0
• Incest	0	0	0	0
• Statutory Rape	0	0	0	0
• Unknown Type of Sex Offense	0	0	0	0

• Domestic/Dating Violence	0	0	0	0
• Stalking	0	0	0	0

**Hate Crimes**

There were 0 hate crimes reported in 2014

## **Campus Safety**

In the Campus Safety chapter, you will find information on policies for safety and security on campus, general crime reporting, access to campus facilities, missing students, communication about emergencies and information about the various units and teams that help keep **American Beauty College** safe.

### **SAFETY ON CAMPUS**

#### **Emergency Response and Evacuation**

The Emergency Management Unit of WCPD, has expanded into other areas of emergency preparedness. The Unit coordinates with various school and community entities to ensure that ABC students, faculty, staff, and visitors are prepared to respond to emergencies, recover from them, and mitigate against their impacts. The Emergency Management Unit also works closely with several of our campus partners to develop and implement ABC's crisis communication plan.

Crisis and disaster events require campuses to not only prepare for such events, but also require an understanding of response capabilities and limitations. It is impossible to predict exactly when a crisis or disaster will occur, or the extent to which it might affect the campus. Through deliberate planning, preparing, and training, ABC can greatly minimize losses from these events.

When an emergency occurs, the School's Response Plan is activated. ABC delineates the response procedures for emergencies and disasters that impact the campus. ABC is staffed by per-identified campus personnel trained to coordinate the campus' response and recovery efforts. Trained staff members are vetted ABC personnel in middle to upper management positions from the major functional areas of the School, including, but not limited to the schools Lead Teachers and Compliance. ABC facilitates sheltering of evacuees, debris removal, restoration of services, and support services on-scene personnel (list not all-inclusive).

ABC provides training and information on all four phases of emergency management: preparedness, response, recovery, and mitigation. There is at least one drill conducted each year.

Annual emergency response and evacuation drills are planned in coordination with Environmental Health and Safety and are often announced via email. The school is equipped with fire alarms have at least 1 fire drill each year. A record of whether they are announced or unannounced is kept. Evacuation maps are posted in every building. All students and staff should familiarize themselves with the evacuation routes for the buildings they frequent.

The primary responsibility for ABC Safety is the development and facilitation of emergency exercises at ABC. An After Action Report - Improvement Plan is written following each exercise that lists the scenario, participants, date, time, location, areas of strengths, areas of improvement, and corrective actions. The campus is committed to evaluating response capabilities through the exercise and AAR-IP process, with the goal of correcting areas of improvement identified during the exercise. A four year cycle is utilized; within the four year cycle, a tabletop, functional and full-scale exercise is held which include the EOC and Executive Group. The four year exercise cycle may be adjusted due to real-world emergencies that impact the exercise planning efforts.

## Security On Campus

### ACCESS TO AND SECURITY OF SCHOOL BUILDING

#### Academic and Administrative Building

The ABC campus is open to the public. The academic and administrative buildings are open to the public during normal business hours. Our facilities have individual hours, and the hours may vary at different times of the year.

## Sexual Assault, Domestic Violence, Dating Violence, & Stalking

ABC prohibits sexual assault, domestic violence, dating violence, and stalking as they are defined for the purposes of the Clery Act . These crimes will not be tolerated on campus and are a violation of California law as well as student and employee conduct policies. ABC pro-actively addresses sexual assault, dating violence, domestic violence, and stalking.

#### ABC's Action Plan on Sexual Assault and Misconduct

ABC Administration provides overarching leadership on campus efforts to prevent and respond to sexual assault and sexual misconduct (includes but is not limited to: sexual harassment, sexual assault, intimate partner violence, and stalking). The Compliance Director advises senior campus leaders and ensures the coordination of campus prevention, response and accountability measures. Specific responsibilities of ABC's Action Plan on Sexual Assault and Misconduct are expected to include the following:

- Facilitate the development of a comprehensive strategic plan that addresses the important health, academic, social, and safety issues related to sexual assault and sexual misconduct.
- Ensure the performance of periodic surveys, possibly administering surveys, to assess progress..
- Oversee a comprehensive campus-wide strategy for evaluating campus programs and services.
- Support the implementation of evidence-based policies, prevention and intervention programs, services and accountability procedures, including making recommendations regarding resource allocation.
- Charge and support other campus committees of students, faculty, and staff to address sexual assault and sexual misconduct issues on campus.
- Assess alignment of campus communications regarding the philosophy and expectations pertaining to the prevention of sexual assault and sexual misconduct.

- Maintain community partnerships including coalitions to allow coordinated, environmental response to sexual assault and sexual misconduct.

## Resources

Office of Safe and Drug-Free Schools (OSDFS)  
U.S. Department of Education [www.ed.gov/osdfs](http://www.ed.gov/osdfs)

OSDFS supports efforts to create safe schools, respond to crises, prevent alcohol and other drug abuse, ensure the health and well-being of students, teach students good citizenship and character, and provide national leadership on issues and programs in correctional education. The agency provides financial assistance for drug abuse and violence prevention activities and activities that promote the health and well-being of students in elementary and secondary schools and institutions of higher education.

OSDFS participates in the development of Department program policy and legislative proposals and in overall administration policies related to drug abuse and violence prevention. It also participates with other federal agencies in the development of a national research agenda for such prevention.

**The U.S. Department of Education's Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention**  
[www.higheredcenter.org](http://www.higheredcenter.org)

Established by the U.S. Department of Education in 1993, the Higher Education Center for Alcohol and Other Drug Abuse and Violence Prevention is the Department's primary provider of services in alcohol and other drug abuse and violence prevention in higher education founded upon state-of-the-art knowledge and research-based strategies.

In this capacity, the Higher Education Center acts as a catalyst to advance collaborative campus and community teams across the nation.

The Higher Education Center offers an integrated array of services to help campuses and communities come together to identify problems; assess needs; and plan, implement, and evaluate alcohol and other drug abuse and violence prevention programs. Services include training; technical assistance; publications; support for the Network Addressing Collegiate Alcohol and Other Drug Issues; and evaluation activities. The Higher Education Center's publications are free and can be downloaded from its Web site.

**The Council for the Advancement of Standards in Higher Education**  
[www.cas.edu](http://www.cas.edu)

The Council for the Advancement of Standards in Higher Education (CAS) has been the pre-eminent force for promoting standards in student affairs, student services, and student development programs since its inception in 1979. For the ultimate purpose of fostering and enhancing student learning, development, and achievement and in general to promote good citizenship, CAS continues to create and deliver a dynamic and credible Book of Professional Standards for Higher Education and Guidelines and Self Assessment Guides that are designed to lead to a host of quality -controlled programs and services. These standards respond to real-time student needs, the requirements of sound pedagogy, and the effective management of currently 30 functional areas, consistent with institutional missions.

**Council on Law in Higher  
Education <http://clhe.org>**

The Council on Law in Higher Education (CLHE) is an independent nonprofit organization, founded in 1998, that is dedicated to assisting presidents, senior-level administrators, and attorneys in managing legal risk and improving regulatory compliance. Its mission is to be an invaluable and independent resource for higher education leaders and policymakers seeking comprehensive information and practical solutions that address the legal and policy issues affecting the nation's higher education system. As an independent nonprofit research and education organization, CLHE also advocates for public policy solutions and legal reforms that reduce unnecessary regulatory burden and excessive liability on institutions, promote student rights, and allow higher education institutions to have flexibility in achieving their missions.

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**The Network Addressing Collegiate Alcohol and Other Drug Issues  
[www.thenetwork.ws](http://www.thenetwork.ws)**

The Network is a national consortium of colleges and universities formed to promote healthy campus environments by addressing the issues of alcohol, other drugs, and violence. Developed in 1987 by the U.S. Department of Education, the Network comprises member institutions that voluntarily agree to work toward a set of standards aimed at reducing AOD problems at colleges and universities. It has approximately 1,575 members nationwide. The Network develops collaborative AOD prevention efforts among colleges and universities through electronic information exchange, printed materials, and sponsorship of national, regional, and state activities and conferences.

**To comply with the regulations, every two years ABC conducts a review of its AOD program to determine effectiveness and the consistency of sanction enforcement, in order to identify and implement any necessary changes. The Department of Education recommends that IHEs conduct the biennial review in even-numbered years and focus their report on the two preceding academic years.**

An IHE's biennial review be completed and on file by December 31 of each even-numbered year, and the report should cover the previous two academic years. For example, for the 2006 biennial review, the dates of coverage should include Sept. 1, 2004-Aug. 31, 2005, and Sept. 1, 2005-Aug. 31, 2006.

**ABC 2016 Report covers 01/01/2015 to 12/31/2016**