

# **ARROJO** COSMETOLOGY SCHOOL

## 2017 ANNUAL SECURITY REPORT

In compliance with the  
Jeanne Clery Disclosure of Campus Security Policy and  
Campus Crime Statistics Act, as amended by the  
Violence Against Women Reauthorization Act of 2013

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## **Introduction**

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (“Clery Act”) and the Violence Against Women Reauthorization Act of 2013 (“VAWA”), Arrojo Cosmetology School (“ACS or the “School”): 1) monitors criminal activity occurring on campus, 2) publishes this Annual Security Report and 3) maintains a three-year statistical history of crimes reported on campus.

ACS collects and reports crime statistics for its campus, which encompasses the first floor of 200 Hudson Street, New York, New York 10013.

In addition, ACS provides statistical information for crimes that occur on public property that is immediately accessible from campus when such statistics are known or can be obtained from local law enforcement. Public property within ACS’s Clery geography includes the following:

- Sidewalk, street, sidewalk adjacent to 200 Hudson Street

In this Annual Report, you will find an explanation of ACS’s policies and procedures for keeping its campus safe and secure, programs and education provided to students and employees regarding crime prevention and campus security and crime report statistics.

## **The Arrojo Cosmetology School Security Team**

ACS’s commitment to campus security and Clery Act compliance is a cooperative undertaking of the ACS Security Team. Each member has a role in assuring safety on campus and compliance with federal and state rules.

- Director
- Student Services Manager
- Financial Aid department

## **Authority and Cooperation with Local Law Enforcement**

Any member of the ACS Security Team or ACS employee has authority to ask persons for identification and to determine whether individuals have lawful business on campus. The ACS Security Team has the authority to order an individual to leave the premises. Members of the ACS Security Team do not possess arrest power. Criminal incidents are referred to the local police who have jurisdiction on campus. The ACS Security Team cooperates with local police to respond to criminal incidents and support police investigations. All crime victims and witnesses are strongly encouraged to immediately report crimes to the New York City Police Department. Prompt reporting will assure timely warning notices on campus and timely and accurate disclosure of crime statistics. ACS does not have a memorandum of understanding with any law enforcement agencies for the investigation of alleged criminal offenses.

## **Campus Security and Access**

The public entrance and student access to ACS is located at 200 Hudson Street. Students and employees can access the School through the Hudson Street entrance. The School does not employ

security personnel during the hours of operation. School staff (including the Student Services manager and teachers) regularly ensure that only students have access to School property. Visitors to the School must be accompanied by School staff and are closely monitored by the Director. The School administration, as a whole, is responsible for the safety and security of the School and work cooperatively to ensure coverage of all entrances and exits. The School does not have campus housing.

Business hours for salon and retail

Service hours (salon):		Retail hours:	
Mon – Fri	9am – 9pm	Mon – Fri	9am – 5:15pm

**Reporting Crimes and Other Emergencies**

ACS encourages anyone who is the victim or witness to any crime to promptly report the incident to the New York City Police Department, when the victim of the crime elects to, or is unable to, make such a report. The School does not have campus police. Contact a member of the ACS Security Team for non-emergencies and call 911 for emergencies only. Any suspicious activity or person seen on campus or in nearby public areas should be reported to the ACS Security Team who may notify local law enforcement. In addition, you may also report to the following Campus Security Authorities:

CAMPUS SECURITY AUTHORITIES

Director, Joseph Guinto	646-979-2265 x412
Student Services, Mark Albrecht	646-979-2265 x410
Financial Aid, Tiffany Colon	646-979-2265 x409
Admissions, Sydney Cassida	646-979-2265 x411
Title IX Coordinator, Maria Guiao	646-979-2265 x408

Reports to the Campus Security Authorities will be used for the purpose of making timely warning reports, emergency response and notification, and reporting crime statistics in accordance with the Clery Act. The Campus Security Authorities are responsible for documenting incidents using the School’s incident report protocol. Documented reports will be reflected in the School’s crime log.

The Campus Security Authorities will assist the victim or witness in making a report to the local police department if the victim or witness desires to make such a report. Crime victims who do not want to pursue charges against the perpetrator are nonetheless encouraged to make a report to the School. The School encourages individuals who have concerns to report all incidents of sexual misconduct to the School so that the School can investigate and resolve such reports. This enables the School to provide more resources and assistance to a complainant and to more effectively provide a safe, nondiscriminatory environment.

**Confidentiality**

The School recognizes that some individuals may wish to keep their concerns confidential. However, because the School’s obligation to investigate and respond to reports, the School cannot provide

complete confidentiality. When a report is made to the School, every effort will be made by the School to ensure confidentiality to the extent possible, subject to the School's need to investigate and respond to such complaints and to report campus crimes in accordance with applicable law. The School will protect a complainant's confidentiality to the extent possible even if the complainant does not specifically request confidentiality. The School strives to honor any request that a complainant may make to keep any such report confidential or for the School not to investigate or respond to such report, but complying with any such request will limit the Schools' ability to look into and respond to a report. In deciding whether the complainant's request can be honored, the School will weigh the request against the seriousness of the alleged misconduct, the School's obligation to maintain a safe and nondiscriminatory learning environment for its students and the School's commitment to addressing and preventing recurrence of misconduct. This determination will be made by the Title IX Coordinator.

While the School is obligated to provide the School community with general information regarding incidents of sexual assaults and certain other crimes occurring on campus, publicly available recordkeeping, including Clery Act reporting and disclosures such as the annual security report and daily crime log, will not include names or other information that may personally identify either the complainant or the respondent.

To ensure that a complainant's personally identifying information will not be included in publicly available recordkeeping, the Student Services Manager describes the alleged incidents by removing the complainant's name and any other identifier that would enable the public to identify the complainant in the context of the incident report.

To ensure that a complainant's personally identifying information will not be included in publically available recordkeeping, the Director will review all reports made and will remove the complainant's name and any other identifier that would enable the public to identify the complainant in the context of the incident report.

The School will also maintain as confidential any accommodations or protective measures provided to an individual, to the extent that maintaining such confidentiality will not impair the ability of the School to provide the accommodations or protective measures. The School will only disclose information necessary to provide the accommodations or protective measures in a timely manner. The Title IX Coordinator will determine what information about a victim should be disclosed and to whom this information will be disclosed. The School will inform victims before sharing personally identifying information that the School believes is necessary to provide an accommodation or protective measure. The School will tell the victim which information will be shared, with whom it will be shared and why. The School does not have professional counselors or pastoral counselors on site. As a result, the School does not have procedures that encourage pastoral counselors and professional counselors if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

### ***Results of Disciplinary Proceeding Involving Crime of Violence or Non-Forcible Sex Offense***

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

### **Crime Alerts (Timely Warnings)**

A timely warning will be issued for any Clery crime committed on the School's Clery geography that is reported to a Campus Security Authority or local law enforcement agency and is considered to represent a serious or continuing threat to students and employees.

The Director drafts, decides to issue and through what method, and issues timely warnings. He works in conjunction with the Student Services manager. The Student Services manager is responsible for forwarding the Director incident reports as soon as received from the Campus Security Authorities. Any reports from local law enforcement should be forwarded to the Director as soon as received.

Timely warnings are issued through written notifications through email, the public address system, verbal or written announcements posted in and throughout the School and/or an appropriate social media platform depending upon the circumstances. The warning will include all information that promotes safety and that aids in the prevention of similar crimes. It will also include information that triggered the crime if available. The warning will not include the names of the victim(s).

### ***Distinction between Emergency Notification and Timely Warnings***

Whereas the scope of emergency notification is typically a wide focus on a significant emergency or dangerous situation (may include Clery crimes), a timely warning is narrowly focused on only Clery crimes. Emergency notification procedures will be initiated for any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. Timely warnings are triggered by crimes that have already occurred but represent an ongoing threat. A timely warning will be issued for any Clery crime committed on the School's Clery geography that is reported to a Campus Security Authority or local law enforcement agency and is considered by the School to represent a serious or continuing threat to students and employees. Emergency notification may serve as a timely warning when the circumstances have not changed.

### ***The Family Educational Rights and Privacy Act (FERPA) and the Timely Warning Requirement***

The School may, in appropriate circumstances, include personally identifiable information in a timely warning. Although personally identifiable information is generally precluded from disclosure under FERPA, such information may be released in an emergency situation if knowledge of the information is necessary to protect the health or safety of the students or other individuals.

### **Emergency Response, Notifications and Evacuation Procedures**

ACS's emergency response and evacuation plan is detailed below. The School will notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.

## **I. Response**

In the event of an emergency, the top priorities of ACS are to (1) protect life, (2) protect critical facilities and (3) restore campus operations.

### **A. Reporting Emergencies**

When anyone at ACS becomes aware of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus, he/she must immediately notify School teachers or employees and call 911, if the situation warrants it. The School teacher or employee will then relay the emergency to the Director or Student Services manager. If neither are available, such emergency will be relayed to someone in the financial aid department.

The Director and any other necessary parties, such as the police or fire department, will take the necessary action to keep the School safe.

This policy and procedure contains several specific scenarios. In each, evacuation or shelter-in-place may be necessary. Below are the steps to take in each of those scenarios.

### **B. Evacuation**

The Director, working in conjunction with any other necessary parties, will determine whether it is necessary to evacuate the building. If directed to evacuate the building, all individuals shall follow the emergency routes posted in the rooms throughout the building. At ACS, everyone shall proceed to the sidewalk across the street from the school between Vestry and Desbrosses. Students shall congregate in each of their respective classes to aid teachers in taking attendance.

Assuming that it is safe to do so, the Director shall sweep through the School to ensure that all students and employees have evacuated from the building. After doing so, the Director will work with building personnel to ensure that no unauthorized individuals attempt to enter the building.

Once outside the building, the teachers shall take a roll call for their students and the Director will take a roll call for the administration. If any students or employees are missing, the teacher or Director shall immediately notify emergency personnel of the missing person. No one shall reenter the building until determined safe to do so. The Director, working with the necessary parties, will make that determination.

### **C. Shelter-in-Place Procedure**

Shelter-in-place orders may be issued in situations where dangerous intruders or other incidents may result in harm to persons if they leave the School. In such a case, the Director will issue a shelter-in-place order by making an announcement over the public address system, sending a messenger to each classroom or alternative method as deemed necessary by the situation. The teacher will then do the following:

- Lock classroom doors and barricade the door using desks or chairs;
- Close windows, if possible;

- Direct all persons to move away from the windows and doors so that they cannot be seen from outside the room; and
- Direct all persons to get down on the floor.

#### **D. Specific Scenarios**

The below sections contain directions that students and employees must follow under specific emergency situations. If an emergency scenario occurs that is not listed below, the student or employee shall defer to the general reporting instructions listed above. The Director will then make a decision on what steps need to occur to keep the School community safe.

##### **1. Armed and Violent Intruders and Burglaries**

If a person is suspected of carrying a weapon into the School, is acting in a violent manner or is committing a burglary, the student or employee must notify 911 and the Director. If the suspect threatens a student or employee, he or she should not try to disarm the suspect or resist the intruder's instructions. Rather, he/she should back away from the situation. The Director, working in conjunction with any other necessary parties, will determine whether a warning announcement should be made and/or if an evacuation or shelter-in-place is necessary depending upon the situation. After all is secure, the Director (or Director's designee) shall complete an incident report detailing the events for inclusion in the School's Accident Reports, Incident Reports and Crime Log.

##### **2. Assaults/Fights**

Students and employees must report all assaults and fights to 911 (if necessary) and the Director. The Director will try to diffuse the situation, if possible. After the situation is under control, the Student Services manager will partner with the Director and ask victims/witnesses for their account of the incident and complete an incident report for inclusion in the School's Accident Reports, Incident Reports and Crime Log.

##### **3. Bomb Threat**

The person who receives a bomb threat shall immediately call 911 and the Director. The Director shall then initiate evacuation procedures. No student or employee may reenter the building until the entire building is declared safe. All employees who receive a bomb threat shall remain calm and obtain as much information from the caller as possible including: (1) number of bombs/explosives; (2) type of bomb/explosive; (3) location of bomb/explosive; and (4) where they are set to explode. After all is secure, the Director (or Director's designee) shall complete an incident report detailing the event for inclusion in the School's Accident Reports, Incident Reports and Crime Log.

##### **4. Hazardous Materials (including chemical spills or leaks) and Biological Threats**

Hazardous material events should be treated with the utmost caution. The person experiencing the event shall immediately call 911 (if necessary) and the Director and provide the following information: (1) your name; (2) location of the spill/hazardous materials; (2) injuries requiring medical attention, if any; and (4) the nature of the spill/hazardous material, what it is, if known, and how much.



If the spill is non-hazardous, the Director will advise members of the operation team to coordinate clean-up. If the spill is hazardous, the Director will direct a professional company to coordinate clean-up.

If a parcel is opened and an unidentified substance is detected, students and employees shall do the following:

- Alert others to stay away from the area;
- Turn off any fans, air conditioners or heaters;
- Close doors and windows to the area;
- Do not wash off or disperse the substance; and
- Do not touch, test, smell or assess the substance.

The Director, working in conjunction with any other necessary parties, will determine whether a warning announcement should be made and/or if an evacuation or shelter-in-place is necessary depending on the facts and circumstances of the case. After all is secure, the Director (or Director's designee) shall complete an incident report detailing the event for inclusion in the School's Accident Reports, Incident Reports and Crime Log.

#### **5. Medical Emergency, Injury, Death**

If a medical emergency, injury or death occurs at the School, the person who encounters the situation shall immediately contact 911 (if necessary) and notify the Director. The Director will then respond to the scene with the first aid kit (if necessary), call paramedics (if necessary) and ensure that safety is established and maintained. The Director will also direct someone to look out for and direct the emergency medical responders to the scene if any are called. After all is secure, the Director (or Director's designee) shall complete an incident report detailing the event for inclusion in the School's Accident Reports, Incident Reports and Crime Log.

If the incident involves an employee, the employee on duty must contact the Director and the Director will contact the owner as soon as possible.

In the event of a work-related death or three or more employees are hospitalized, the incident must be reported to the Occupational Health and Safety Administration at 1-800-321-OSHA within 24 hours of the incident.

#### **6. Weather**

In the event of severe weather, students and employees will be notified of a School closing or delayed opening via phone calls and/or emails if School staff are able to access the School or, if School staff are unable to access the School, via social media (Instagram or Facebook).

Students and employees who are at the School when severe weather develops, shall remain in the building and proceed to the clinic floor and close all access doors to the clinic floor. If the students are with a client or model, the students shall bring that client or model with them. The Director will watch out for severe weather watches and warnings and notify employees at the School to proceed to the clinic floor. The Director will also direct everyone when it is safe to leave the clinic floor.

## **7. Fires**

The School is equipped with smoke detectors that are located throughout the School to protect occupants from potential fires. Anyone who witnesses a fire is directed to pull the fire alarm, call 911 and let the Director know of the fire and its location. The Director will then initiate an evacuation of the building. School employees are not required to perform firefighting activities. Fires larger than the size of an office garbage can should not be fought. After all is secure, the Director (or Director's designee) shall complete an incident report detailing the event for inclusion in the School's Accident Reports, Incident Reports and Crime Log.

## **8. Civil Unrest (Major or Minor)**

There are both major and minor disturbances to which a facility may be subjected, ranging from the acts of pranksters to mass armed aggression. Some of the more common causes of these are labor problems, racial tension or public displeasure with company policy. The person who discovers the unrest shall call 911 (if necessary) and notify the Director. If it is necessary to call 911, the person shall let them know the following: (1) the location of the disturbance; (2) how many people are involved; and (3) if known, what the disturbance is about. The Director, working in conjunction with any other necessary parties, will determine whether a warning announcement should be made and/or if an evacuation or shelter-in-place is necessary depending upon the facts and circumstances of the case. Assuming it is safe to do so, all employees shall: (1) lock up vital information; (2) secure work areas as if it was an extended holiday; and (3) draw the curtains/windows. Also assuming that it is safe to do so, the Director shall: (1) lock and patrol all points of egress; (2) if necessary, try to control the crowd; (3) if possible, repair any damage promptly; and (4) secure all utilities and fire protection equipment. After all is secure, the Director (or Director's designee) shall complete an incident report detailing the event for inclusion in the School's Accident Reports, Incident Reports and Crime Log.

## **9. Terrorist Attack**

Weapons of mass destruction likely to be employed by terrorists fall into two categories: nuclear and conventional.

- **Nuclear** – If a nuclear device is detonated, the person who discovers the attack shall immediately call 911 and report the incident to the Director. The Director will then determine whether an evacuation of the School or shelter-in-place is necessary. If the attack is far enough away, shelter-in-place may be the best option.
- **Conventional** – The danger from the blast effect of conventional explosive devices is similar to nuclear devices with a higher rate of survival. If responding to the threat of an imminent blast nearby, the person perceiving the attack shall immediately call 911 and report the incident to the Director. The Director will then determine whether an evacuation of the School or shelter-in-place is necessary. If the source of the threat is outside, it is likely that the parties shall follow the shelter-in-place procedures. The Director shall ensure that all windows and doors are closed to minimize flying glass. All individuals shall assume the duck, cover and hold position on the ground. However, if the source of the threat is inside the building, then the Director shall evacuate the building using the evacuation procedures. In that case, no one shall re-enter until

the entire building is declared safe by public safety, emergency management or military authorities.

## **II. Notification**

The Director is responsible for: (1) confirming that there is a significant or dangerous situation involving an immediate threat to the health or safety of students or employees on campus; (2) determining the appropriate segment(s) of the community to receive the notification; (3) determining the content of the notification; and (4) initiating the notification system. S/He must work in conjunction with necessary parties depending upon the situation, including, for example, the Student Services manager, faculty, police, fire department and/or emergency services.

The Director will follow the guidelines listed below to complete the above steps:

1. *Gather facts:* The Director will gather facts from the necessary parties. S/He will then determine the threat level and impact to the School. If s/he determines that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring at campus, s/he will move to the assessment phase.
2. *Assess the situation:* The Director will consult with emergency responders and any necessary parties at the School to assess the nature and severity of the incident and appropriate response.
3. *Communicate:* The Director will, without delay and taking into account the safety of the community, determine the content of the notification and initiate notification, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The Director will notify the campus community as quickly as possible with special consideration given to the timeliness and urgency of the situation, areas or group(s) affected, and the potential for further harm to the community and its member. The notification system may be any combination of the following systems: fire alarms, postings in the School or website, verbal announcement from School staff, email, phone calls or through social media. The Director will select the method(s) that best reaches the community depending on the situation and determine which segment(s) of the community should receive the message. If the situation affects everyone on campus, everyone will be notified. The Director will continually assess the situation to determine if the correct parties were notified and, if beneficial, what order they should be notified. If necessary to notify the non-campus community, the Director will work with the police to deliver the message to the media.
4. *Ensure that necessary operations are taking place:* The Director will also ensure that all applicable safety plans and measures are being implemented, if warranted.
5. *Evaluate response:* After responding, the Director will assess the effectiveness of the response and whether the response needs to be changed as a result.

## **Testing the Emergency Response and Evaluation Procedures**

At least once a year, the School administration tests the School's emergency response and evacuation procedures. The test may be announced or unannounced and (1) is scheduled; (2) contain drills; (3)

contains exercises; (4) contains follow-through activities; and (5) is designed for the assessment and evaluation of emergency plans and capabilities. After the test occurs, the Director publicizes the emergency response and evacuation procedures to all students and employees. The Director's designee documents for each test, a description of the exercise, the date, time and whether it was announced or unannounced. The Director also may request the local police's cooperation in informing the School about any situation that may warrant an emergency response.

**Crime Statistics**

This report has been prepared in compliance with the Clery Act and VAWA. The purpose of the annual disclosure of crime statistics is to make known all reported crimes that occurred on campus or adjacent public property for the past three years. This report is prepared by the Financial Aid Department who works in conjunction with the Director. They coordinate the collection of data from Campus Security Authorities and local law enforcement. Campus crime, arrest and referral statistics include those reported to the Director or School administration. Statistics are derived from incident report documentation and the daily crime log. Reports to local law enforcement, such as the New York City Police Department (NYPD), are included when information about those reports can be obtained. The School requested crime statistics from the NYPD and the below table includes statistics from the NYPD. Three years of crime statistics are not available because the School moved to the present location on January 11, 2016.

**Arrojo Cosmetology School Crime Statistics**

<b>Criminal Offenses</b>			
<b>Offense</b>	<b>Year</b>	<b>On-campus</b>	<b>Public Property</b>
Murder/Non-negligent manslaughter	<b>2016</b>	0	0
Negligent Manslaughter	<b>2016</b>	0	0
Sex Offenses, forcible	<b>2016</b>	0	0
Sex Offenses, non-forcible	<b>2016</b>	0	0
Rape	<b>2016</b>	0	0
Fondling	<b>2016</b>	0	0
Incest	<b>2016</b>	0	0
Statutory Rape	<b>2016</b>	0	0
Robbery	<b>2016</b>	1	0
Aggravated Assault	<b>2016</b>	0	1
Burglary	<b>2016</b>	0	0
Motor Vehicle Theft	<b>2016</b>	0	0
Arson	<b>2016</b>	0	0

VAWA Offenses			
Offense	Year	On-campus	Public Property
Domestic Violence	2016	0	0
Dating Violence	2016	0	0
Stalking	2016	0	0

Arrests and Disciplinary Referrals			
Offense	Year	On-campus	Public Property
Arrests: weapons: carrying, possessing, etc.	2016	0	0
Disciplinary referrals: weapons: carrying, possessing, etc.	2016	0	0
Arrests: Drug abuse violations	2016	0	0
Disciplinary referrals: Drug abuse violations	2016	0	0
Arrests: Liquor law violation	2016	0	0
Disciplinary referrals: Liquor law violation	2016	0	0

## HATE CRIMES

No hate crimes were reported in 2016.

Note: The School's crime statistics include statistics provided by the NYPD for 200 Hudson Street. However, the NYPD was only able to provide statistics for the 1<sup>st</sup> precinct, Sector G, rather than the School's specific Clery geography. This report therefore does not contain statistics from the NYPD for the School's Clery geography.

### Security Awareness, Crime Prevention and Education

At mandatory orientation, the Student Services manager provides all new students information regarding:

- Campus security procedures and practices;
- Emergency evacuation plan;
- How to prevent crimes, including safety and theft prevention; and
- Responsibility for one's own safety and the safety of others.

### Off-Campus Criminal Activity

The School does not operate off-campus facilities, such as student housing or student organization facilities. Crimes that may occur off-campus (meaning outside the School Clery geography) are not monitored by the School and are not included in the School reported crime statistics. Crimes occurring off-campus should be reported to local police. The School also encourages individuals to report all incidents involving dating violence, domestic violence, sexual assault and stalking to the School whether the offense occurred on or off campus.

## **Drug and Alcohol Policy**

ACS prohibits the use, consumption, possession, manufacture, sale, transportation or furnishing of alcoholic beverages on campus. These prohibitions apply regardless of age. ACS enforces the drinking laws of the state of New York, including the prohibition of use by persons younger than 21 years of age. Possession or consumption of alcohol on ACS premises may result in disciplinary proceedings and/or arrest.

ACS likewise prohibits the possession, distribution or use of illegal drugs and/or controlled substances in accordance with state and federal laws. Violations of this prohibition may result in disciplinary proceedings and/or arrest. ACS enforces state and federal laws relating to drugs and controlled substances.

Additional information may be found in ACS's Drug-Free Workplace Policy and Internal Grievance Policy published in the course catalog. The course catalog can be found on the School's website. In addition, employees are subject to the ACS Drugs, Alcohol and Smoking Policy, which is located in the employee handbook. These policies contain all elements of the annual notification requirement under the Drug-Free Schools and Communities Act (DFSCA) and supporting regulations. The Title IX coordinator working in conjunction with the Director will review and revise the above stated policies on a regular basis in response to changes in law and to ensure that the policies are reasonable, comprehensive and enforceable.

Every year, the School distributes the Drug and Alcohol Policy to each student and employee. Notice of the drug and alcohol policy is provided to all new hires and employees through the employee handbook. Students who have enrolled will receive a copy of the course catalog and during mandatory orientation, the administrative staff reviews all School policies, including the Drug and Alcohol Policy. ACS is confident that every enrolled student receives notification of alcohol and other drug abuse prevention policies on an annual basis.

In each odd numbered year, the School forms a biennial review committee to conduct the biennial review of the School's Drug and Alcohol Abuse Prevention Plan (DAAPP). This committee consists of the Director, Student Services Manager and the Title IX Coordinator. The committee is chaired by the Title IX Coordinator. The committee will review the previous two calendar years and generate a biennial report.

The objective of the review is to do the following:

1. Determine the effectiveness of and to implement any needed changes to the DAAPP; and
2. To ensure that the School consistently enforces disciplinary sanctions for violating the standards of conduct.

The Director conducts twice a year reviews of any DAAPP changes to be implemented pursuant to the biennial report to ensure that the implementation occurs in a timely manner. The Director also keeps records related to DFSCA compliance for a minimum of three years. Finally, he has oversight responsibility of the DAAPP including, but not limited to, updates, coordination of information in the DAAPP, annual notification and biennial review.

## **Sex Discrimination and Sexual Misconduct Policies, Procedures and Programs**

### **Sexual Violence Prevention and Awareness Program**

The School provides educational programming to all students and employees that increases awareness about sexual violence issues and provides meaningful guidance for preventing and responding to incidents of sexual violence, including domestic violence, dating violence, sexual assault and stalking. The program is intended to end dating violence, domestic violence, sexual assault and stalking and are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, informed by research, effectiveness or outcome and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

The School's sexual violence awareness program does the following:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct, as defined for purposes of the Clery Act;
- Defines what behavior constitutes domestic violence, dating violence, sexual assault and stalking in New York;
- Defines what behavior and actions constitute consent to sexual activity in New York;
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault or stalking against a person other than the bystander, including, but not limited to recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options and taking action to intervene;
- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to minimize the risk of potential attacks with the purpose of decreasing perpetration and bystander inaction, increase empowerment for victims in order to promote safety and help individuals and communities address conditions that facilitate violence; and
- Provides students with the School's Sex Discrimination and Sexual Misconduct Policy, which contains the information contained in (b)(11) and (l)(2) of 34 CFR § 668.

Training is delivered via a PowerPoint presentation and must be completed on an annual basis.

During the mandatory orientation for incoming students, School administration does a presentation regarding the School's policy on Sexual Violence Prevention and Awareness. Prospective students have access to the School's Policy Against Harassment through the course catalog and enrolled students are required to sign a statement that they have received the course catalog. Employees receive yearly training regarding the School's policy on Sexual Violence Prevention and Awareness at periodic teacher/administration training sessions held throughout the calendar year. Employees also receive a copy of the employee handbook that contains the School's Anti-Discrimination and Anti-Harassment Policy and must acknowledge receipt of the handbook on their hire date.

Throughout the year, School administration will also post different materials and resources for students and employees on sexual violence issues. The administration will review the effects of such postings to determine if the School needs to target improvement in any of the areas posted. The administration will continue to research through resources such as notalone.org, other programming, initiatives and strategies for addressing sexual violence issues. Finally, throughout the year, administration will assess the School's current sexual violence program to examine whether it is effective and to identify areas of improvement.

## **Sex Discrimination and Sexual Misconduct Policy**

### **Notice of Nondiscrimination**

ACS does not discriminate on the basis of race, color, creed, national and ethnic origin, sex, age, religion, disability, sexual orientation or other legally protected status in administration of its educational policies, financial aid program and all other programs. Harassment based upon an individual's legally protected status is a form of prohibited discrimination.

In accordance with Title IX, this policy addresses the School's prohibition on sex discrimination. Sexual harassment is a form of sex discrimination. Sexual harassment includes a variety of unwelcome behavior of a sexual nature and, at its most severe form, includes sexual violence. Examples of sexual violence include, but are not limited to: sexual assault, domestic violence, dating violence and stalking. This policy discusses "sexual misconduct" when referring to sexual harassment in all forms including sexual violence.

Questions or concerns about the application of Title IX, sex discrimination, sexual harassment or other forms of sexual misconduct may be directed to the School's Title IX Coordinator:

Maria Guiao  
Financial Aid Director  
Arrojo Cosmetology School  
maria@arrojonyc.com  
646-979-2265 x408  
200 Hudson St.  
New York, NY 10013

The School is committed to a safe and healthy environment and as such will not tolerate sexual harassment or sexual violence in any form including, but not limited to, sexual assault, domestic violence, dating violence and stalking. Sexual assault is a crime and is a violation of an individual's rights and dignity. Sexual assault is not only an act of disrespect, violence, aggression or coercion against an individual, but also an attack on our School community. The School is committed to promptly, impartially and equitably addressing and resolving all reports of discrimination, harassment or sexual violence. When the School finds that such behavior has occurred, it will take steps to prevent the recurrence of the behavior and to correct its effects. Retaliation against an individual who brings a



complaint or pursues legal action, or against an individual who serves as a witness in an investigation, is prohibited and will not be tolerated.

Questions or concerns may also be directed to the Office of Civil Rights of the United States Department of Education:

U.S. Department of Education  
Office for Civil Rights  
32 Old Slip, 26th Floor  
New York, NY 10005-2500  
Telephone: 646-428-3900  
Fax: 646-428-3843  
Email: [ocr.newyork@ed.gov](mailto:ocr.newyork@ed.gov)

See also: <http://www2.ed.gov/about/offices/list/ocr/index.html>.

### **Scope of Policy**

This policy applies to all School community members including students, employees, contractors, volunteers, vendors, independent contractors and all other visitors. This policy also applies regardless of the sexual orientation or gender identity of any of the parties.

Sex discrimination or sexual misconduct committed in connection with any School program, whether on or off campus, is prohibited and will not be tolerated. This policy applies to any incident that may adversely impact an employee's work and/or a student's or other person's participation in the School's educational, extra-curricular or other programs and activities. In addition, this policy applies to off-campus conduct that the School determines may cause or threaten to cause an unacceptable disruption at the School or which may interfere with an individual's right to non-discriminatory educational environment.

The School is committed to addressing sex discrimination and sexual misconduct and encourages victims to report incidents to appropriate School authorities. Individuals found responsible for sex discrimination or sexual misconduct will be subject to any disciplinary action deemed appropriate by the School. A complete list of possible sanctions is set forth below in the section entitled "Sanctions and Remedies."

### **Application of Procedures**

Procedures for reporting, investigating and resolving conduct prohibited under this policy are based upon the nature of the parties' relationship to the School. In situations where the complainant or respondent is a third party (i.e., visitor or other person not connected to the School), the Title IX Coordinator will determine, in his or her discretion, whether the procedures under this policy or another process is the best way to address the alleged misconduct, consistent with the School's commitment to promptly and equitably address and resolve reports of discrimination, harassment and sexual violence.

## **Definitions**

a. **Complainant**

The person alleged to have been subjected to conduct that violates this policy.

b. **Respondent**

The person accused of engaging in conduct that violates this policy.

c. **Sex Discrimination**

Sex discrimination is conduct based upon an individual's sex that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a program of activity. Sex discrimination encompasses all forms of sexual harassment, sexual misconduct, differential treatment and gender-based harassment.

d. **Sexual Harassment**

Sexual harassment includes unwelcome conduct such as sexual advances, requests for sexual favors, sexually motivated physical contact or other verbal, nonverbal or physical conduct or communication of a sexual nature when:

- submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's educational experience or employment, or the individual's submission or rejection of such conduct is used as the basis of an educational program or activity decision or employment decision affecting such individual; or
- such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's education or employment or creating an intimidating, hostile or offensive educational or work environment.

Actions that can constitute sexual harassment include:

- Unwelcome sexual flirtations, advances, propositions or requests for sexual favors;
- Verbal abuse of a sexual nature, obscene language, off-color jokes, commentary about an individual's body, sexual innuendo and gossip about sexual relations;
- The display of derogatory or sexually suggestive posters, cartoons, drawings, objects, notes, letters, emails or text messages;
- Unwelcome visual conduct such as leering or making gestures;
- Videotaping or taking photographs of a sexual nature without consent;
- Cyber harassment including, but not limited to, disseminating information, photos or video of a sexual nature without consent;
- Engaging in conduct of a sexual nature which creates an intimidating, hostile or offensive academic or work environment (i.e., sexually-oriented jokes, offensive physical contact, obscene messages and gestures); or
- Punishing or threatening to take adverse action against a subordinate or student for refusing to comply with sexual demands.

Although certain forms of sexual harassment may seem self-evident, recognizing such behavior when it is happening to you or others around you can be difficult. In making such an assessment, consider whether the behavior is sexual or sex-based in nature and:

- Is offensive, unwanted or both;
- Interferes with your (or another's) ability to enjoy your employment or academic environment;
- Interferes with job or academic performance;
- Causes unnecessary discomfort, humiliation or harm to you or others around you.

If at any time you are able to answer yes to any of the above behaviors, you should immediately contact the Director or the Human Resources department for employees; or if you are not certain of whom to contact or not comfortable contacting someone else, you should always feel free to contact the School's Title IX Coordinator. Employees are reminded to review the employee handbook for other guidance relating to workplace conduct and reporting sexual harassment.

e. **Sexual Violence**

Sexual violence is a severe form of sexual harassment and includes sexual assault or other sexual violence, domestic violence, dating violence and stalking. Many types of sexual violence include nonconsensual sexual contact but this is not a necessary component.

f. **Sexual Assault**

Sexual assault is any sexual contact including, but not limited to, sexual penetration with another person who does not or cannot give consent. This may or may not include force. For purposes of this policy, "sexual contact" shall have the same meaning as it has under New York law and includes, but is not limited to, any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes touching directly or through clothing, as well as the emission of ejaculate by one person upon any part of the other person, clothed or unclothed.

Sexual assault includes, but is not limited to:

- Rape - the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of any person without the consent of the victim;
- Fondling - the touching of the private body parts of another person for the purpose of sexual gratification without the consent of the victim;
- Incest - sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; and
- Statutory rape - sexual intercourse with a person who is under the statutory age of consent.

g. **Coercion**

Coercion means the use by the actor or words or circumstances that cause the complainant reasonably to fear that the actor will inflict bodily harm upon the complainant or another or the use by the actor or confinement or superior size or strength against the complainant that causes the complainant to

submit to sexual contact against the complainant's will. Proof of coercion does not require proof of a specific act or threat.

#### **h. Consent**

Consent is words or overt actions by a person clearly indicating a freely given present agreement to perform a particular sexual act with another, at the time of the act.

Consent can only be given by someone who: acts freely, voluntarily and with knowledge of the fact and nature of the sexual act involved. Consent is a mutually understood, freely given "yes" - not the absence of "no." Consent can be withdrawn at any time. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent.

As explained further below, consent cannot be given if someone:

- is incapacitated by drugs or alcohol;
- is threatened, coerced or intimidated into submission;
- is not conscious;
- is physically incapacitated;
- is mentally incapacitated; or
- is not of legal age to consent (17 years old in New York).

Consent cannot be inferred from:

- consent to another form of contact or sexual activity;
- a prior sexual, romantic or marital relationship;
- an existing sexual, romantic or marital relationship;
- silence or the absence of resistance;
- prior sexual activity with other individuals.

#### **i. Incapacitation**

Incapacitation means the inability to understand the fact, nature or extent of the sexual situation. Incapacitation may result from mental disability, sleep, unconsciousness, involuntary physical restraint or from the influence of drugs or alcohol. With respect to incapacitation due to consumption of drugs or alcohol, incapacitation requires more than being under the influence of drugs or alcohol; a person is not incapacitated simply because he or she has been drinking or using drugs. Where alcohol and/or drugs are involved, incapacitation is determined based on the facts and circumstances of the particular situation looking at whether the individual was able to understand the fact, nature or extent of the sexual situation, whether the individual was able to communicate decisions regarding consent, non consent or the withdrawal of consent and whether such condition was known or reasonably should have been known to the accused or a reasonable person in the accused's position.

Use of drugs or alcohol by the accused is not a defense against allegations of sexual misconduct and does not diminish personal responsibility. It is the responsibility of the person initiating the specific sexual activity to obtain consent for that activity.

j. **Dating Violence**

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

k. **Domestic Violence**

A pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim. While not exhaustive, the following are examples of conduct that can constitute felony or misdemeanor crimes of domestic violence: (1) physical harm, bodily injury or assault; (2) the infliction of fear of imminent physical harm, bodily injury or assault; or (3) terroristic threats, criminal sexual conduct or interference with an emergency call.

l. **Stalking**

Stalking means engaging in a course or pattern of unwelcome and unwanted conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress. Stalking can be a form of sexual harassment if based on someone's sex. Stalking behavior includes, but is not limited to:

- Repeated, unwanted, intrusive and frightening communications by phone, mail and/or email;
- Repeatedly leaving or sending the victim unwanted items, presents or flowers;
- Following or lying in wait for the victim at places such as home, school, work or recreation place;
- Making direct or indirect threats to harm the victim, the victim's children, relatives, friends or pets;
- Damaging or threatening to damage the victim's property;
- Posting information or spreading rumors about the victim on the internet, in a public place or by word of mouth; and/or
- Unreasonably obtaining personal information about the victim by accessing public records using internet search services, hiring private investigators, going through the victim's garbage, following the victim, contacting the victim's friends, family, work or neighbors, etc.

m. **Retaliation**

Retaliation means adverse action taken against an individual for making a good faith report of a violation of this policy, for supporting another person's report or participating in an investigation or other proceedings based on the report. Retaliation includes, but is not limited to, any form of intimidation, threats, coercion or harassment.

**Title IX Coordinator**

The School has designated Maria Guiao as having overall responsibility for coordinating the School's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator will: ensure School policies and procedures and relevant state and federal laws are followed; ensure

appropriate training, prevention and education efforts take place; oversee the School's response to reports and complaints of sex discrimination, including monitoring compliance with procedural requirements and timelines outlined in this policy; coordinate the School's efforts to identify and address any patterns or systemic problems revealed by such reports and complaints; and assist in answering any other questions related to these policies and procedures.

Maria Guiao  
maria@arrojonyc.com  
646-979-2265 x408  
200 Hudson St.  
New York, NY 10013

The Director serves as Deputy Title IX Coordinator for sexual misconduct complaints involving students and employees and assists the Title IX Coordinator with implementation of the School's policy for matters involving employees and matters involving both a student and an employee.

Joseph Guinto  
joseph@arrojonyc.com  
646-979-2265 x 412  
200 Hudson St.  
New York, NY 10013

### **Written Notification**

In compliance with federal law, this policy and its contents provide written notification to students and employees of the following:

- Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available, both within the School and the community, for victims of sexual violence;
- Options for, available assistance in, and how to request changes to academic and working situations or protective measures for victims of sexual violence;
- A written explanation of the procedures for the School's disciplinary action in cases of alleged sexual violence; and
- A written explanation of the rights and options of a student or employee who is a victim of sexual violence, whether the offense occurred on or off campus.

This policy will be distributed annually to all students and employees of the School and will be provided by the School to any student or employee who reports to the School that the student or employee has been a victim of sexual violence.

### **Reporting Sex Discrimination or Sexual Misconduct**

#### **a. Reports to Law Enforcement**

When allegations of sexual misconduct rise to the level of sexual assault, individuals are encouraged to notify local law enforcement authorities and will be assisted by campus authorities in notifying such authorities, if the individual so chooses. The School will comply with an individual's request for assistance in notifying authorities. Individuals are encouraged to report the incident to the New York Police Department.

If you would like to report sexual misconduct to law enforcement, the New York Police Department is located at 16 Ericsson Place, New York, NY, 10013 and can be contacted by calling 911 or (212) 334-0611. Call 911 to report a crime in progress or if an officer is needed at the scene. To report a crime that is a non-emergency not requiring a police officer at the scene, call (212) 334-0611. Reporting to law enforcement is not necessary for the School to proceed with an investigation.

An Order for Protection may be obtained in New York Family Court (against a family member by blood or marriage, a current or former spouse, someone with whom he or she has had a child, or someone with whom he or she has had an intimate relationship), New York Supreme Court in connection with a divorce case and in New York criminal court in connection with a criminal case. Family court forms are available online at <http://www.nycourts.gov/forms/familycourt/index.shtml>. Additional information regarding how and where to file a petition for an Order for Protection in New York courts may be found at <http://www.nycourts.gov/faq/orderofprotection.shtml>. The School will fully cooperate with any order for protection issued by a criminal, civil or tribal court.

The School is responsible for honoring requests for information about available options for orders of protection and restraining orders and will comply with and enforce such orders.

**b. Reports to the School**

The School encourages anyone who has experienced or knows of an incident of sexual discrimination or misconduct to report the incident to the School. A report should include as much information as possible to enable the School to respond appropriately. Reports can be made by telephone, email or in person to individuals listed below. Upon receipt of a report, the School will initiate its response and resolution process as set forth herein.

Reports of sex discrimination or sexual misconduct may be made by or about **students** to the following:

- the Title IX Coordinator, Maria Guiao, 646-979-2265 x408, [maria@arrojonyc.com](mailto:maria@arrojonyc.com);
- the Student Services Manager, Mark Albrecht, 646-979-2265 x410, [studentservices@arrojonyc.com](mailto:studentservices@arrojonyc.com);
- the School Director, Joseph Guinto, 646-979-2265 x412, [joseph@arrojonyc.com](mailto:joseph@arrojonyc.com);
- the instructor;
- the Admissions Director, Sydney Cassida, 646-979-2265 x411, [sydney@arrojonyc.com](mailto:sydney@arrojonyc.com); or
- the Financial Aid department, Tiffany Colon, 646-979-2265 x409, [tiffany@arrojonyc.com](mailto:tiffany@arrojonyc.com).

Reports of sex discrimination or sexual misconduct may be made by or about **employees** to the following:

- the Title IX Coordinator, Maria Guiao, 646-979-2265 x408, maria@arrojonyc.com;
- the School Director, Joseph Guinto, 646-979-2265 x412, joseph@arrojonyc.com;
- the instructor; or
- the Human Resources Manager, Antoniya Dechevska, 212-242-7786 x223, antoniya@arrojonyc.com.

Reports of sex discrimination or sexual misconduct may be made by or about **third parties** to the following:

- the Title IX Coordinator, Maria Guiao, 646-979-2265 x408, maria@arrojonyc.com;
- the School Director, Joseph Guinto, 646-979-2265 x412, joseph@arrojonyc.com;
- the instructor; or
- the Human Resources Manager, Antoniya Dechevska, 212-242-7786 x223, antoniya@arrojonyc.com.

Upon receipt of a report, the School will initiate its response and the appropriate resolution process as set forth herein.

c. **Anonymous Reports**

The School will accept anonymous reports to the Title IX Coordinator of conduct alleged to violate this policy. The individual making the report is encouraged to provide as much detailed information as possible to allow the School to look into the report and respond as appropriate. The School may be limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable the School to conduct a meaningful and fair investigation.

**INFORMATION APPLICABLE TO ALL REPORTS AND COMPLAINTS  
OF SEX DISCRIMINATION OR SEXUAL MISCONDUCT**

**No Retaliation**

The School prohibits retaliation against any individual who makes a good faith report of a potential violation of this policy, who supports another person's report or who acts as a witness in any investigation into a complaint. Any concerns of retaliation should be reported to the Title IX Coordinator or the School Director. The School will take appropriate action against any individual who retaliates against another person in violation of this policy. The School will respond to complaints of retaliation pursuant to the procedures set forth in this policy.

**Confidentiality**



The School encourages individuals who have concerns to report all incidents of sexual misconduct to the School so that the School can investigate and resolve such reports. This enables the School to provide more resources and assistance to a complainant and to more effectively provide a safe, nondiscriminatory environment. An individual who reports an incident of sexual discrimination or misconduct is not required to initiate or participate in the School's complaint procedures or to report to law enforcement. However, under certain circumstances, the School may determine that it has a responsibility to move forward with the formal investigation of a complaint (even without the participation of the individual who has alleged the sexual misconduct).

The School recognizes, though, that some individuals may wish to keep their concerns confidential. However, because of the School's obligation to investigate and respond to reports, the School cannot provide complete confidentiality. **It is important to understand that responsible employees are not confidential resources and are therefore obligated to report to the School any information they receive about sex discrimination or sexual misconduct.** "Responsible employees" are those who: (1) have the authority to take action to redress harassment, (2) have a duty to report to appropriate School officials sexual misconduct or any other misconduct by students or employees or (3) a student could reasonably believe has this authority or responsibility. The School's "Responsible Employees" are listed in the faculty staff section of the School's course catalog.

While only certain School employees are considered "responsible employees" for purposes of reporting known or suspected incidents of sexual misconduct, it is the School's expectation that all students and employees will report incidents of sexual discrimination and sexual misconduct (including names of the victim and accused) to the Title IX Coordinator so that the School can investigate the incident and take the appropriate steps to address the situation.

When a report of sexual misconduct is made to the School, every effort will be made by the School to ensure confidentiality to the extent possible, subject to the School's need to respond to such complaints and to report campus crimes in accordance with applicable federal and state law. The School will protect a complainant's confidentiality to the extent possible even if the complainant does not specifically request confidentiality. While the School is obligated to provide the School community with general information regarding incidents of sexual assaults and certain other crimes occurring on campus, publicly available recordkeeping, including Clery Act reporting and disclosures such as the annual security report and crime log, will not include names or other information that may personally identify either the complainant or the respondent. To ensure that a complainant's personally identifying information will not be included in publically available recordkeeping, the Director will remove or redact the complainant's name and any other identifier that would enable the public to identify the complainant in the context of the incident report.

#### *Requests for confidentiality or non-action*

Upon receiving a report of a violation of this policy, the School will seek the consent of the complainant to proceed using the procedure set forth herein. The School strives to honor any request that a complainant may make to keep any such report confidential or for the School not to investigate or respond to such report but complying with any such request will limit the School's ability to look into

and respond to a report. In deciding whether the complainant's request can be honored, the School will weigh the request against the seriousness of the alleged misconduct, the School's obligation to maintain a safe and nondiscriminatory learning environment for its students and the School's commitment to addressing and preventing recurrence of misconduct. This determination will be made by the Title IX Coordinator.

If the School decides that it has an obligation to investigate and address the alleged policy violation, it will notify the complainant before proceeding. The School will maintain confidentiality to the extent reasonably possible subject to its need to conduct an investigation and respond to the situation in accordance with this policy. In all cases, the individuals investigating and responding to the incidents or allegations of misconduct will share information about the incident or allegation, investigation and response within and outside the School only on a "need to know" basis. However, complete confidentiality generally will not be possible.

### *Confidential Community Resources*

Confidential communications are those communications which legally cannot be disclosed to another person without the consent of the individual who originally provided the information, except under very limited circumstances, such as allegations involving the physical or sexual abuse of a child or vulnerable adult or an imminent threat to the life of any person. The School recognizes that some individuals may wish to keep their concerns confidential and that the School cannot ensure confidentiality. The School encourages individuals who have experienced sexual misconduct to talk to someone about what happened. Community resources may be able to provide assistance and support while ensuring confidentiality. Some of these resources include:

- **RAINN** 800-656-HOPE (4673)
- **Day One NY** 212-566-8120
- **Teen Date Rape Crisis Helpline** 800-214-4150
- **Teen Dating Abuse Hotline** 866-331-9474 or 866-311-8453
- **Child Abuse Hotline** 800-422-4453
- **Crime Victims Hotline** 866-689-HELP (4357)
- **Domestic Violence Hotline** 800-621-HOPE (4673)
- **Rape, Sexual Assault and Incest Hotline** 212-227-3000

### **Non-Participation and Silence**

If, at any time during the complaint procedures explained below, a party decides not to participate, the School will proceed with the applicable complaint process and make a determination based upon the information available. Silence in response to an allegation will not necessarily be viewed as an admission of the allegation, but may leave the complainant's allegations undisputed.

### **Interim Measures and Ongoing Accommodations**

At any time after a report of a potential violation of this policy has been received by the School, the School will provide interim support and/or ongoing accommodations if the complainant requests them and if they are reasonably available to protect an individual from further harm and to meet its obligations to maintain a safe, nondiscriminatory learning and working environment for students and employees. The School is obligated to comply with a student's reasonable request for a living and/or academic situation change following an alleged sex offense. The School must take such steps even when an individual asks to keep a reported violation confidential, when a request is made not to investigate and regardless of whether an individual chooses to report to Campus Security Authorities or local law enforcement. Interim or protective measures may include:

- Establishing a "no contact" order between individuals;
- Prohibiting an individual from being on campus or at School events;
- Changing a student's or employee's status;
- Changing work, class or other schedules;
- Providing assistance with academic issues;
- Offering a student leave of absence;
- Issuing a timely warning of any substantial threat or danger to the community;
- Making information about and providing assistance with respect to orders for protection and harassment restraining orders, including enforcement of such orders.

Such measures will vary based on the particular facts and circumstances, including, but not limited to, the specific need expressed by the complainant, the age of the student(s) involved, the severity or pervasiveness of the allegations, any continuing effects on the complainant, whether the complainant and alleged respondent share the same class, transportation or job location and whether other judicial measures have been taken to protect the complainant. The Title IX Coordinator will be responsible for determining what measures will be put in place.

To request an interim measure or accommodation, individuals should contact the Student Services Manager. The School will maintain as confidential any accommodations or protective measures provided to an individual, to the extent that maintaining such confidentiality will not impair the ability of the School to provide accommodations or protective measures. The School will only disclose information necessary to provide the accommodations or protective measures in a timely manner. The Title IX Coordinator will determine what information about the victim should be disclosed and to whom this information will be disclosed. The School will inform victims before sharing personally identifying information that the School believes is necessary to provide an accommodation or protective measure. The School will tell the victim which information will be shared, with whom it will be shared and why.

### **Waiver of Drug/Alcohol Violation**

The School strongly encourages reporting instances of violations of this policy, including assault, dating or domestic violence or stalking. Consequently, individuals who report such information and individuals who participate in an investigation into allegations of violations of this policy will not be

disciplined by the School for any violation of its drug and alcohol policies in which they might have engaged in connection with the reported incident.

### **Non-Participation and Silence**

If, at any time during the complaint procedures explained below, a party decides not to participate, the School will proceed with the applicable complaint process and make a determination based upon the information available. Silence in response to an allegation will not necessarily be viewed as an admission of the allegation but may leave the complainant's allegations undisputed.

### **Treatment of Parties**

The School will treat all parties involved in the complaint resolution procedure with dignity and respect. Each party has the right to participate in the process or decline to participate, with the understanding that the School will proceed with the process and make a determination based upon the information available. A complainant shall never be treated in a manner that suggests her or she is at fault for sexual assault or sexual violence of that he or she should have done something different to avoid becoming a victim. The School will provide nonjudgmental support to all parties who are engaged in the complaint resolution procedure and will assist any party, at his or her request, with preserving information, documents or other materials relevant to a report or proceeding initiated under this policy.

### **Conflicts**

The School's resolution process will be conducted by officials who do not have a conflict of interest or bias for or against the complainant or respondent. If a complainant or respondent has any concern that any individual acting for the School under this policy has a conflict of interest, such concern should be reported to the Title IX Coordinator. The Title IX Coordinator will review the concerns and take appropriate steps to ensure that no conflicts of interest exist on the part of anyone investigating, adjudicating or otherwise resolving a complaint under this policy. If the Title IX Coordinator has a conflict of interest with respect to a complaint, the School Director or the Director's designee, shall appoint an alternate person to oversee adherence to this policy with respect to the complaint at issue. If the School Director is a party to the complaint or has a conflict of interest with respect to a complaint, the owner of the School shall ensure that the School puts in place appropriate safeguards under the circumstances to ensure that the School promptly and equitably responds to the complaint including, but not limited to, appointment of alternate individuals to oversee adherence to this policy.

### **Timelines**

Generally, the School will complete the investigation and adjudication processes outlined below within sixty (60) days of receiving a complaint or report of a violation of this policy. Some complaints and reports may, however, take longer to investigate and resolve. The School is committed to investigating and resolving all matters as promptly as possible and strives to meet the timing requirements set forth in these procedures. However, in some cases, extensions to the timing requirements may be

necessary. The Title IX Coordinator may grant reasonable extensions to timing requirements in these procedures when warranted by the circumstances. For example, extensions of timing requirements may be granted if the School has been asked to delay its procedures during the evidence gathering stage of a criminal investigation, if the reported allegations are particularly complex (including, without limitation, allegations that involve multiple incidents and/or multiple individuals) or if witnesses are not on campus due to a scheduled break or for another reason. Extensions will be no longer than necessary. The complainant and respondent shall receive written notice of any extensions and the reason for the extension.

### **Reservation of Flexibility**

The procedures set forth below reflect the School's desire to respond to complaints in good faith and in a manner that promotes fairness to all parties. The School recognizes that each case is unique and that circumstances may arise which require that it reserve some flexibility in responding to the particular circumstances of the matter. In the rare cases where it is not possible or practical to follow this procedure, the School reserves the right to modify the procedure or to take other administrative action as appropriate under the circumstances.

## **INCIDENTS AND COMPLAINTS INVOLVING SEXUAL VIOLENCE**

If you have been sexually assaulted, it is important to seek medical care, especially if you have been physically injured. Even if you do not have any visible physical injuries from the assault, there may be physical injuries that you cannot see and medical and health centers can provide additional services such as testing for sexually transmitted diseases and emergency contraception.

To preserve evidence, do not change clothes, bathe, douche or brush your teeth. This is important for the evidence collection process that will occur at the hospital. If you seek to place a report with the police or press charges, it is best for evidence collection to occur within 96 hours of the rape. Keep in mind, though, that evidence collection does not require you to place a report with the police or press charges. It just preserves these options for the future.

### **Immediate and Ongoing Assistance to Survivors of Sexual Violence**

The School will seek to support any person adversely impacted by sexual violence. Both the School and the community provide a variety of resources to assist and support individuals who have experienced sexual violence. These resources, both immediate and ongoing, are available to all persons irrespective of their decision to file a complaint with the School or make a report to law enforcement. Support services that may be available include, but are not limited to, connecting the individual with appropriate counseling and support services, making changes to academic and/or working arrangements to protect the individual from contact with the alleged perpetrator, assistance in filing a criminal complaint and providing information about restraining orders and other available protections and services. An individual does not need to report sexual misconduct to law enforcement or initiate a complaint in order to receive support services from the School.

### **Resources for Any Person Impacted by Sexual Violence**

Victims of sexual assault may obtain emergency care at any of New York's Sexual Assault Forensic Examiners ("SAFE") Centers of Excellence. A complete medical evaluation will include a physical examination, treatment, evidence collection and/or counseling. You will not be made to do anything you do not want to do and may decline any of the elements of this evaluation. Information about SAFE Centers and other resources for sexual assault survivors may be found at <http://www.svfreenyc.org/survivors.html>.

SAFE Centers provide sexual assault patients with:

- 1) Sensitive, victim-centered, medical and forensic health care performed by a specially trained Sexual Assault Forensic Examiner (SAFE). A SAFE is a healthcare provider such as a doctor, nurse, physician's assistant or nurse practitioner.
- 2) Care that is timely, compassionate and patient-centered in a designated and appropriately equipped private room.

3) Assurance about the quality of collection, documentation, preservation and custody of physical evidence by utilizing a trained New York State Department of Health-certified sexual assault forensic examiner to perform exams. These examiners are available to provide expert testimony if patients choose to report crimes to law enforcement.

4) Psycho-social and legal support by a specially trained Rape Crisis Advocate or Counselor.

5) Reliable referrals to mental and physical health care and follow-up services.

Hospitals in New York City with SAFE Centers:

**Manhattan**

St. Luke's Hospital (CHP)  
Amsterdam Ave. & W. 113th St.

Roosevelt Hospital (CHP)  
1000 10th Ave.

Beth Israel-Petrie Campus (CHP)  
1st Ave. & E. 16th St.

Bellevue Hospital (HHC)  
1st Ave & E. 27th St.

Harlem Hospital (HHC)  
506 Lenox Ave.

Metropolitan Hospital Center (HHC)  
1901 1st Ave.

Mount Sinai Medical Center (Mount Sinai)  
1 Gustave L Levy Pl.

New York Presbyterian Hospital-Columbia (NYP)  
622 W. 168th St.

New York-Presbyterian Hospital-The Allen Pavilion (NYP)  
5141 Broadway

**Brooklyn**

Woodhull Medical and Mental Health Center (HHC)  
760 Broadway

Coney Island Hospital (HHC)  
2601 Ocean Pkwy.

Kings County Hospital Center (HHC)  
451 Clarkson Ave.

### **Bronx**

North Central Bronx (HHC)  
E. 210th St. & Kossuth Ave.

Lincoln Medical and Mental Health Center (HHC)  
234 E. 149th St.

Jacobi Hospital (HHC)  
Eastchester Rd. & Pelham Pkwy. S.

### **Queens**

Queens Hospital Center (HHC)  
82-68 164th St.

Elmhurst Hospital (HHC)  
79-01 Broadway

### **Staten Island**

Richmond University Medical Center (IN)  
355 Bard Ave.

Information about SAFE Centers and other resources for sexual assault survivors may be found at <http://svfreenyc.org/survivors.html>.

Students who feel they have been the victim of any form of sexual violence may also wish to seek support or confidential counseling from any of the following resources.

#### Crisis Hotlines

- **RAINN** 800-656-HOPE (4673)
- **Day One NY** 212-566-8120
- **Teen Date Rape Crisis Helpline** 800-214-4150
- **Teen Dating Abuse Hotline** 866-331-9474 or 866-331-8453
- **Child Abuse Hotline** 800-422-4453
- **Crime Victims Hotline** 866-689-HELP (4357)
- **Domestic Violence Hotline** 800-621-HOPE (4673)
- **Rape, Sexual Assault and Incest Hotline** 212-227-3000



#### Victim Advocacy

- **Safe Horizon** 212-227-3000

#### Legal Assistance

- **Day One** 800-214-4150

#### Visa and Immigration Assistance

- **Immigration Legal Services - Manhattan (ILSOLI)** 646-998-8123

#### Student Financial Aid

- **Tiffany Colon**, Financial Aid 646-979-2265 X409

The School does not have professional counselors or pastoral counselors on site.

### **Initiating a Complaint Involving Sexual Violence**

Complaints are generally initiated by individuals who believe that their rights under this policy have been violated but any individual may initiate the complaint procedure. In addition, circumstances may arise in which a complaint may be initiated in the name of the School to protect the safety, integrity and welfare of the community as a whole. Generally, the Title IX Coordinator will make a determination of whether a complaint should be initiated in the name of the School. When a complaint is made under this policy, the School may ask that any report be confirmed in a written and signed complaint form. The Title IX Coordinator or other School official is available to assist in the completion of this form. Complaint forms are available from the Title IX Coordinator, the Student Services Manager or Human Resources (for employees).

### **School's Resolution Process for Complaint Involving Sexual Violence**

The School's resolution process will be conducted by officials who receive annual training on issues related to sexual harassment including sexual assault, dating violence, domestic violence and stalking and on how to conduct a resolution process that protects the safety of victims and promotes accountability.

The complainant and respondent shall be given timely notice of meetings at which the complainant or respondent or both will be present.

#### **a. Advisors**

The complainant and the respondent have the right to be assisted by an advisor of their choice as long as the advisor is not a potential witness in the case.

Guidelines for advisors are:

- The purpose of the advisor is to support a student in the complaint process. Advisors should be chosen for their ability to assist a student with the process.

- Advisors may confer with the student involved but they may not actively participate in the process. The advisor may accompany the complainant or respondent to all meetings relating to the complaint procedure. The advisor may not appear in lieu of the complainant or respondent or speak on his/her behalf in either in-person or written communications to the School. The advisor may not address the investigator, adjudicator, witnesses (other than his/her own advisee) or appeal official and may not interrupt or otherwise delay the complaint proceeding.
- All information concerning any case may be made available to advisors with the written permission of the involved student who has chosen the advisor, subject to the same limitations as those placed upon the parties and conditioned upon the advisor's agreement to maintain the confidentiality of any student educational records or other confidential information.
- Violations of confidentiality or other forms of interference with the complaint procedure by the advisor may result in disqualification of an advisor.
- The School will provide the parties information regarding the selection of an advisor by another party.

**b. Investigation**

Following the submission of a completed complaint form that states a possible violation of this policy which includes allegations of sexual violence, the School will strive to complete a thorough, fair, impartial and prompt investigation.

**1. Appointment of Investigators**

The Title IX Coordinator, or his/her designee, will appoint one or more investigators. The complainant and the respondent will be notified in writing of the identities of the investigator(s) assigned to their case. Each investigator assigned under this policy will have received, at a minimum, annual training on issues related to sexual violence including how to conduct an investigation that protects the safety of victims and promotes accountability.

**2. Complainant's Account**

The investigator(s) shall interview the complainant to obtain the complainant's account of the alleged misconduct or to verify information the complainant has already provided in his/her report or complaint. In addition, the complainant shall be invited to advise the investigator(s) of any witnesses he/she believes should be interviewed and/or other evidence that he/she believes should be reviewed by the investigator(s). The investigator(s) may also request additional information from the complainant. Normally, the interview should be audio recorded.

**3. Respondent's Account**

In a separate meeting, the investigator(s) shall interview the respondent to obtain the respondent's account of the alleged misconduct. In addition, the respondent shall be invited to advise the investigator(s) of any witnesses he/she believes should be interviewed and/or other evidence that he/she believes should be reviewed by the investigator(s). The investigator(s) may also request additional information from the respondent. The interview shall be audio recorded.

**4. Witness Statements, if applicable**

The investigator(s) may interview any witnesses who may have information of relevance to the alleged misconduct. The investigator(s) may exercise discretion in the selection of witnesses to be interviewed. The naming of a witness by either party does not obligate the investigator(s) to interview that proposed witness. The investigator(s) may conduct additional interviews with witnesses whose names were provided by individuals other than the complainant and the respondent. Normally, all interviews with witnesses shall be audio recorded.

5. Other Evidence, if applicable

The investigator(s) may request and review other evidence of relevance to the alleged misconduct such as video recordings, photographs, text messages or other artifacts.

6. Investigator's Summary of the Investigation, if applicable

The investigator(s) may prepare a written summary of the findings of the investigation to guide the adjudicator in his/her review of the information gathered during the investigation.

7. Compilation of Investigation File

The investigator(s) shall compile all evidence obtained into an investigation file. The investigation file shall consist of any information, documents, recordings or artifacts that are provided to the adjudicator. Such information may include, as applicable:

- The written complaint;
- Any written records and/or audio recordings of investigative interviews with the complainant, the respondent and any witnesses;
- Any other evidence obtained; and/or
- The Investigator's Summary of the Investigation.

8. Additional provisions for investigation process

The School will attempt to complete the investigation process within twenty (20) business days of the initiation of the complaint but, in some cases, more time will be required. If a criminal complaint has been filed, the School's procedures, including any investigation, may be temporarily delayed to allow law enforcement to gather evidence. Such delay may only occur at the request of law enforcement and shall not be any longer than necessary for law enforcement to complete the gathering of evidence. In no case will the School wait for the conclusion of a criminal investigation or criminal proceeding to begin its own investigation.

c. **Adjudication**

Upon completion of the investigation, the School Director will review the investigation and make a determination as to whether it is more likely than not (a preponderance of the evidence standard) that a violation of this policy occurred, and if so, what sanctions are warranted. The School reserves the right to appoint additional adjudicators to assist in making a determination. Each adjudicator assigned under this policy will have received, at a minimum, annual training on issues related to sexual violence including how to conduct an adjudication process that protects the safety of victims and promotes accountability.

The complainant and the respondent shall receive written notice of the identity of any additional adjudicators assigned to review the investigation. The complainant or respondent may request the removal of an adjudicator on the grounds of personal bias or other conflict of interest. Such requests may be made by submitting a written statement to the Title IX Coordinator setting forth the basis for the challenge no later than two (2) business days after receiving the notice of the identity of the adjudicator(s) assigned to the matter. The Title IX Coordinator will determine whether to accept or deny the challenge. If the request is accepted, a replacement will be appointed and notice will be provided to the complainant and respondent. The decision of the Title IX Coordinator with regard to the challenge is final and not appealable.

#### 1. Review of Investigation File

The investigation file will be made available to and reviewed by the adjudicator(s) following confirmation of his/her or their appointment. The investigation file shall consist of the following: the complaint; the recordings of witness interviews; and any other evidence obtained through the investigations. Upon review of the investigation file, the adjudicator(s) may, in their discretion, request additional investigation by the investigator(s).

The investigation file will also be made available for review by the complainant, respondent and their designated advisors. Confidential information in the investigation file that cannot be shared with the parties may be redacted from the file in accordance with applicable law. The file cannot be copied or removed from the investigation file at the location provided by the School for review purposes.

Following review of the investigation file, both parties shall have the opportunity to provide a written statement containing any comments or additional information the parties would like the adjudicator(s) to consider. The written statement shall not exceed 2,000 words in length. The written statement must be submitted within ten (10) business days after the investigation file becomes available to the parties. If desired, the parties shall have an opportunity to review the written statement submitted by the other party and may submit a rebuttal written statement not to exceed 1,000 words in length. The rebuttal written statement must be submitted within five (5) business days after the deadline for submission of written statements. The adjudicator(s) will ensure that the complainant and respondent have been given equivalent opportunities to present relevant information for consideration in the investigation and adjudication process.

#### 2. Determination

The adjudicator(s) will render a decision based upon the investigation file, additional written statements provided by the parties to the complaint and any other information the adjudication panel deems appropriate and which is made available to both the complainant and respondent. While the Title IX Coordinator is available for consultation, the Title IX Coordinator will not participate in making a decision. The adjudicator(s) will use a preponderance of the evidence standard (or "more likely than not" standard) in determining whether a violation of the policy occurred.

The determination of the adjudicator(s) may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision will be final.

If the decision is made that there is not sufficient basis to believe that it is more likely than not that a violation of this policy occurred, the parties will be notified of that determination including the rationale for the result and the complainant will be informed of other procedures for resolving the complaint and of other resources that may be available to the complainant.

### 3. Sanction(s) and Remedies

If the decision is made that it is more likely than not that the respondent violated this policy, the adjudicator(s) shall determine appropriate sanction(s). The determination will include steps to take to prevent recurrence of any such violations and, as appropriate, remedies for the Complainant. Should the School determine that other sanctions are deemed necessary to protect the School community, those specific sanctions will be included in the following year's Annual Security Report.

#### Students

Sanctions imposed upon students who are determined to have violated this policy may include the following, depending on the seriousness of the violation. Each of these sanctions may be imposed alone or in combination for a respondent found responsible for sexual misconduct, including for violations of the dating violence, domestic violence, sexual assault or stalking provisions of this policy:

- warning;
- behavioral contract;
- required attendance at educational programs;
- required assessment or counseling;
- restriction of privileges;
- no future admission;
- restriction of privileges;
- conditions upon the student's presence on campus or a School events;
- no trespass or no contact order;
- suspension and/or expulsion.

#### School Employees

Sanctions for School employees deemed to have violated this policy may include the following, depending on the seriousness of the violation. Each of these sanctions may be imposed alone or in combination for a respondent found responsible for sexual misconduct, including for violations of the dating violence, domestic violence, sexual assault or stalking provisions of this policy:

- performance counseling by management;
- warning (oral or written);
- performance improvement plan;
- required attendance at educational programs;

- required assessment or counseling;
- conditions upon employee's presence on campus or at School events;
- no trespass or no contact order(s);
- unpaid suspensions;
- suspension of promotion and salary increments;
- suspension or withdrawal of privileges;
- demotion and/or termination of employment.

### Third Parties

Sanctions for third parties who have been deemed to have violated this policy may include the following, depending on the seriousness of the violation. Each of these sanctions may be imposed alone or in combination for a respondent found responsible for sexual misconduct, including for violations of the dating violence, domestic violence, sexual assault or stalking provisions of this policy:

- conditions upon the individual's presence on campus or at School events;
- no trespass or no contact order(s);
- other steps deemed necessary to protect the School community.

Remedies, accommodations and protective measures for the complainant include those listed in the above section "Interim Measures and Ongoing Accommodations."

#### 4. Notice of Outcome

The parties shall receive a simultaneous written notice of the outcome of the complaint to include the determination of the adjudicator(s); where a violation is deemed to have occurred, the sanctions imposed; rationales for the determination and sanctions; procedures for appeal and the date by which the result becomes final as provided below; any other steps the School has taken to eliminate the conduct and prevent its recurrence; and, in the complainant's notice, remedies offered or provided to the complainant. Normally, the School will complete the adjudication process and provide a notice of outcome within twenty-five (25) business days of completion of the investigation. In some cases, more time may be required.

##### d. **Appeals**

Following the communication of the decision by the adjudicator(s), the complainant or respondent may request an appeal of the decision. The request for an appeal must be submitted in writing to the Title IX Coordinator within five (5) business days of receiving notice of the determination. Failure to file a timely appeal constitutes a waiver of any right to an appeal.

The basis for an appeal will be limited to the following:

- (i) New or newly discovered evidence which may substantially affect the outcome of the adjudication; or

- (ii) There was a procedural error which substantially affected the outcome of the adjudication.

Appeals should not be requested frivolously. An appeal represents a procedural safeguard for the parties. In an appeal, the burden of proof is on the appealing party to show by a preponderance of evidence that one or more of the above grounds for appeal are satisfied.

If the Title IX Coordinator or his/her designee determines that the appealing party has demonstrated that it is more likely than not that one of the above grounds for appeal is satisfied, the matter will be remanded for review of the investigation file by the School Director. If the grounds for appeal relate to the investigation or warrant additional investigation, the adjudicator(s) may refer the matter to further investigation before proceeding. Upon remand, the adjudicator(s) shall utilize the same process as required for all adjudications under this policy.

If there is not adequate reason to believe that one or more grounds for appeal have been satisfied, the Title IX Coordinator may dismiss the appeal. This decision is final and is not appealable. The Title IX Coordinator or his/her designee will provide simultaneous written notification to the parties to the complaint of his/her determination within ten (10) business days of the filing of the appeal.

**INCIDENTS AND COMPLAINTS OF SEXUAL MISCONDUCT THAT  
DO NOT INVOLVE SEXUAL VIOLENCE**

**Initiation of Complaint**

Complaints are generally initiated by individuals who believe that their rights under this policy have been violated but any individual may initiate the complaint procedure. In addition, circumstances may arise in which a complaint may be initiated in the name of the School to protect the safety, integrity and welfare of the community as a whole. Generally, the Title IX Coordinator will make a determination of whether a complaint should be initiated in the name of the School. When a complaint is made under this policy, the School may ask that any report be confirmed in a written and signed complaint form. The Title IX Coordinator or other School official is available to assist in the completion of this form. Complaint forms are available from the Title IX Coordinator, the Student Services Manager or Human Resources.

**Formal and Informal Resolution Options**

When a complainant or the School chooses to move forward with the complaint procedure set forth in this policy, there are two avenues for resolution of an alleged policy violation: formal and informal resolution. The complainant or the School has the option to proceed informally when permissible. If a complaint is processed informally, the complainant, respondent or the School has the option to move the complaint to the formal process at any time. Informal resolution is never appropriate in cases involving allegations of sexual assault.

The Title IX Coordinator is available to explain the informal and formal resolution procedures. In addition, the Title IX Coordinator may also directly refer the matter to other institutional disciplinary procedures. This referral option will generally be used when: (1) the type of behavior that is alleged to have occurred does not constitute a violation of the sexual misconduct policy or (2) the behavior that is alleged to have occurred is better handled under another disciplinary procedure. Every attempt should be made to determine the appropriate option for resolution within five (5) business days of the submission of the complaint.

**a. Informal Process and Resolution**

If an informal resolution is pursued, the Title IX Coordinator or his/her designee will attempt to facilitate a resolution that is agreeable to all parties. Under the informal process, the School will only conduct such fact finding as is useful to resolve the conflict and as is necessary to protect the interests of the parties, the School and the School community.

Any party to the complaint has the option to discontinue the informal process and request a formal investigation. The School also always has the discretion to initiate a formal investigation. If at any point during the informal process, the complainant, the respondent or the School wish to cease the informal process and to proceed through the formal procedure, the informal process will stop and the formal process outlined below will be invoked.



Any informal resolution must adequately address the concerns of the complainant as well as the rights of the respondent and the overall intent of the School to stop, remedy and prevent policy violations. To facilitate such a resolution, the Title IX Coordinator will make a recommended resolution that may include a variety of institutional responses or requirements including, but not limited to, the following: warning; behavioral contracts; administrative referrals; community service hours; restitution; required attendance at educational programs; required assessment or counseling; mediation at the complainant's request; the respondent's education or employment record including a finding that this policy was violated; restriction of privileges; and/or probation.

If all parties to the complaint and the School agree in writing to the terms and conditions of a recommended resolution within five (5) business days, the case will be resolved without further process under this procedure. If all parties to the complaint do not agree in writing to the terms and conditions of the recommended resolution within five (5) business days, the complaint will be referred to the formal process.

**b. Formal Process and Resolution**

If a complaint is not processed through the informal process or is not resolved through the informal process outlined above, the complaint shall be processed according to the formal procedure outlined below.

The School will strive to complete a thorough, fair and impartial investigation. The investigation will be conducted by one or more investigators appointed by the School. At least one investigator shall be appointed for each case. The investigator(s) shall interview the complainant, respondent and/or other witnesses and may request additional information from the complainant, respondent or others. In addition, the complainant and respondent shall have an opportunity to advise the investigator(s) of any witnesses they believe should be interviewed and/or other evidence that they believe should be reviewed by the investigator(s). Normally, the School shall complete the investigation process within twenty (20) business days of the initiation of the complaint or the referral from the informal process but in some cases more time will be required.

The School will strive to complete a thorough, fair, impartial and timely adjudication process. Upon completion of the investigation, an adjudicator appointed by the Title IX Coordinator will review the investigation and make a determination as to whether it is more likely than not that a violation of this policy occurred and if so, what sanctions are warranted. The School reserves the right to appoint additional adjudicators to assist in making a determination.

The investigation file will be made available to and reviewed by the adjudicator(s) following his/her or their appointment. Upon review of the investigation file, the adjudicator(s) may, in his/her or their discretion, request additional investigation by the investigator(s). The adjudicator(s) will render a decision based upon the investigation file and any other information the adjudicator(s) deems appropriate. While the Title IX Coordinator is available for consultation, the Title IX Coordinator will not participate in making a decision. The adjudicator(s) will use a preponderance of the evidence standard ("more likely than not") in determining whether a violation of this policy has occurred.

If the decision is made that there is not sufficient basis to believe that it is more likely than not that the respondent violated this policy, the parties will be notified of that determination and informed of other resources that may be available.

If the decision is made that it is more likely than not that the respondent violated this policy, the adjudicator(s) or his/her designee shall determine appropriate sanction(s). The determination will include steps to take to prevent recurrence of any such violations and, as appropriate, remedies for the complainant. Possible sanctions include counseling or education on appropriate behavior, a requirement of behavioral changes, a written warning and/or other disciplinary actions up to and including termination of employment for employees or suspension or expulsion for students.

The parties shall receive a simultaneous written notice of the outcome of the complaint to include the determination of the adjudicator(s); where a violation is deemed to have occurred, in the respondent's notice, any imposition of sanctions, and in the complainant's notice, any imposition of sanctions that directly relates to the complainant; any other steps the School has taken to eliminate the conduct and prevent its recurrence; and, in the complainant's notice, remedies offered or provided to the complainant. Every attempt will be made to complete the adjudication process and provide a notice of outcome within twenty-five (25) business days of the completion of the investigation. In some cases, more time may be required.

## **ALTERNATIVE PROCEDURES**

Nothing in this policy is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but is not limited to, filing a complaint with the United States Department of Education's Office for Civil Rights (OCR).

The OCR office for institutions located in New York is:

U.S. Department of Education  
Office for Civil Rights  
32 Old Slip, 26th Floor  
New York, NY 10005-2500  
Telephone: 646-428-3900  
FAX: 646-428-3843  
TDD: 800-877-8339  
Email: OCR.NewYork@ed.gov

### **Registered Sex Offender Notification**

In compliance with federal law, ACS gives notice to students of where law enforcement agency information concerning registered sex offenders may be obtained. A list of all registered sex offenders in New York is available from the New York State Division of Criminal Justice Services at: [http://www.criminaljustice.ny.gov/SomsSUBDirectory/search\\_index.jsp](http://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp). ACS is located in New York County and the zip code is 10013.