ASSOCIATED BARBER COLLEGE
Teaching Time-Honored Traditions in Barbering

Title IX Policies and Procedures

2025 – 2026

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I. INTRODUCTION

The U.S Department of Education mandates that Universities and Colleges comply with requirement specificities under a variety of regulatory and lawful guidance; more specifically the Educational Amendments Act of 1972 (Title IX), Title VI of the Civil Rights Act of 1964 (Title VI), and the U.S. Department of Education Title IV (Title IV). Title IX is a federal civil rights law that prohibits unlawful discrimination on the basis of sex in education programs or activities that receive federal financial assistance; and preventing unjust deprivations of that right. The U.S. Department of Education's Office for Civil Rights (OCR) enforces federal civil rights laws and promotes educational excellence throughout the nation through vigorous enforcement of civil rights.

Title VI of the Civil Rights Act of 1964 prohibits discrimination based on race, color, or national origin in programs or activities receiving federal financial assistance. The U.S. Department of Education Title IV regulation (Code of Federal Regulations at 34 CFR 100) as enforced by the Department's OCR, enforces several federal civil rights laws that prohibit discrimination in programs or activities that receive federal funds from the Department of Education.

II. SCOPE OF THE TITLE IX POLICY

Associated Barber College of San Diego (ABCSD, College) is committed to maintaining a safe and healthy educational and work environment in which no member of the community is subject to any discrimination. ABCSD provides educational services in a nondiscriminatory manner in an environment free from any acts of discrimination and harassment. So, in turn, no community member is discriminated against on the basis of, race, color, national or ethnic origin, age, gender, religion, sexual orientation or gender identity, marital status or physical and mental disability. In addition, member of the community is denied the benefits of, or subject to limitations regarding educational opportunities available at the institution. Holistically, the institution is sincerely committed to a safe environment for its students, faculty, staff, and other members of the ABCSD community.

The ABCSD Title IX policy applies to all complaints of discrimination and harassment on the basis of sex, education, programs and activities of the College and extends to recruitment, admissions, financial assistance, sex-based harassment, treatment of pregnant students and employment as required by Title IX. The prohibition of discrimination, harassment, and sexual misconduct extends to all third parties, to include but not limited to, visitors, guests, and contractors. This policy does not apply to sex discrimination that occurs outside of the United States and only applies to Title IX offenses. However, an incident may still require an investigation under the Student Grievance Procedure stated in both the ABCSD Catalog and Student Handbooks accordingly.

Unfortunately, no educational institution can be a guarantor that no crime will occur. Therefore, in accordance with Title IX, 34 CFR Part 106.30, the following policy has been adopted in the event a sexual assault occurs on the ABCSD campus, or at events sponsored by ABCSD.

Violation of this policy may be cause for disciplinary action, which includes but is not limited to, removal as a student, or termination of employment as faculty and staff.

A. Time for Reporting

If possible, the victim or witness of a sexual assault should immediately report the incident to the police. The quickest and most efficient way to report a sexual assault is to dial 911.

In addition, appropriate staff, faculty, or personnel of ABCSD should also be notified immediately that a sexual assault has occurred. The victim of an assault should seek immediate assistance and information from any available member of the administration and/or faculty. Assistance availabilities include transportation to medical facilities, notifying police or paramedics, or both. If no administrative person or faculty member is available, a telephone call should be made to Michelle Roccoforte, Associate Director/Title IX Coordinator. He can be reached in person at the ABCSD campus, by telephone at (619) 234-7703, or by email at associatedirector@associatedbarbercollege.edu

B. Filing a Criminal Complaint

Any person has a right to file both criminal and Title IX complaints at the same time. To file a criminal complaint, please contact the local authorities listed below:

U.S. Department of Education
Office of Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, D.C. 20202
Phone: (800) 241-3481
Email: ocr@ed.gov

San Diego Police Headquarters
1401 Broadway
San Diego, CA 92101
Phone: (619) 531-2000
www,sandiego.gov

C. Responsible Employees

ABCSD is dedicated to campus safety and compliance with federal laws regarding sexual discrimination and misconduct. The College is obligated to respond to any notice that sexual misconduct may have occurred whether the notice is given through a filed grievance; a report by the complainant or other person knowledgeable of the incident made to faculty, staff, administration, law enforcement or other employee; or by a member of the College community who witnesses sexual misconduct. A college's

failure to take prompt and effective corrective action in such cases would violate Title IX regulations and provided guidance.

A college must inform all employees of their reporting responsibilities and the importance of informing complainants of the reporting obligations of responsible employees; complainants' option to request confidentiality and any available confidential advocacy, counseling, or other support services; and complainants' right to file a Title IX complaint with the College and to simultaneously report a crime to campus or local law enforcement. Annual reminders will be sent out by associated leadership and college administration.

A college is legally and ethically obligated to ensure that employees understand what that designation means and provide them with the resources to carry out their duty should it become necessary.

I. Responsible Employee Definition

According to guidance from the Office for Civil Rights, a responsible employee includes any employee: who has the authority to take action to redress sexual misconduct; who has been given the duty of reporting incidents of sexual violence or any other misconduct by students to the Title IX Coordinator or other appropriate college designee; or whom a student could reasonably believe has this authority or duty.

II. Responsibilities

A responsible employee MUST report all relevant details of sexual misconduct to the Title IX Coordinator or other college designee within 24 hours of becoming aware. A college is obligated to address sexual misconduct about which a responsible employee knew or should have known. The College has this obligation whether the student, student's parent or a third party decided to file a formal complaint. The College must also provide interim services which may include counseling, access to medical care, advising, class schedule changes and housing options as necessary to allow the parties to continue their education.

III. Obligation to Report

A responsible employee must report to the College's Title IX Coordinator, or other appropriate college designee, all relevant details about the alleged sex or gender-based discrimination that the student or another person has shared, and that the College will need to determine what occurred and to resolve the situation. This includes the names of the alleged perpetrator (if known), the individual who experienced the alleged sexual misconduct, other individuals involved in the alleged sexual misconduct, as well as relevant facts, including the date, time, and location. A college must make clear to its responsible employees to whom they should report an incident of alleged sexual misconduct.

Consistent reporting of sexual misconduct to the Title IX Coordinator is necessary because it allows the College to offer supportive services. It also allows for tracking predatory behavior, understanding risky areas of campus, preventing future misconduct, and ensuring the safety of our students.

To ensure compliance with these reporting obligations, it is important for a college to train its responsible employees annually on Title IX and the College's sexual misconduct policies and procedures.

IV. Responsible Employees

A Responsible Employee is any employee who:

- Has the authority to take action to redress sexual misconduct;
- Who has been given the duty of reporting incidents of sexual misconduct by students or employees to the Title IX Coordinator or other appropriate college designee; or
- Who a student could reasonably believe has this authority or duty.

At ABCSD, the following employees are Responsible Employees:

- Owner/School Director
- Associated Director/Title IX and Campus Safety Survey Administrator
- Financial Aid Director
- Financial Aid Administrator

Title IX and Campus Safety Survey Administrator

Michelle Roccoforte (619) 234-7703 – Associate Director/Title IX Coordinator/Campus Safety Survey Administrator

D. Title IX Coordinator's Role in Sexual Misconduct Policy

Associated Barber College of San Diego (ABCSD) participates in federal financial assistance and has designated a Title IX Coordinator to comply with and carry out their responsibilities under Title IX of the Education Amendments of 1972, which prohibits sex discrimination in education programs and activities. The ABCSD Title IX Coordinator is expected to play a critical role in helping the College ensure that every person affected by its operations—including faculty, staff, and students—are aware of their legal rights under Title IX, and that the College and all of its employees, through its policies, procedures, and practices, complies with its legal obligations under Title IX. ABCSD is required to attend and provide training and give authority and support necessary to fulfill these responsibilities. The Title IX Coordinator works with a task force who is responsible for ensuring compliance with different policies, procedures, and administrative practices.

E. Role of the Title IX Coordinator

Pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education implementing regulations at 34 C.F.R. Part 106, ABCSD's Title IX Coordinator has primary responsibility for coordinating the College's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of ABCSD, as well as retaliation for the purpose of interfering with any right or privilege secured by Title IX.

Sexual misconduct against students, including sexual harassment, sexual assault, rape, and sexual exploitation, can be a form of sex discrimination under Title IX. The Title IX Coordinator oversees the College's response to reports and complaints that involve possible sex discrimination to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the College can address issues that affect the wider college community.

A student should contact the Title IX Coordinator to:

- Seek information or training about student's rights and courses of action available to resolve reports or complaints that involve potential sex discrimination, including sexual misconduct;
- File a complaint or make a report of sex discrimination, including sexual misconduct;
- Notify the College of an incident or policy or procedure that may raise potential Title IX concerns;
- Get information about available resources (including confidential resources) and support services relating to sex discrimination, including sexual misconduct; and
- Ask questions about the College's policies and procedures related to sex discrimination, including sexual misconduct.

F. Monitoring and Alerting

In order to address sexual misconduct on campus and ensure ongoing compliance with Title IX, the Title IX Coordinator:

- Coordinates an annual climate survey, in consultation with research personnel with expertise in survey design and data collection and analysis;
- Analyzes data collected by the annual climate survey to assess the rates and nature of sexual misconduct, any location hot-spots or risk factors, and the College's sexual misconduct policies, procedures and resources and the consequences of violating such policies, and the effectiveness of the College's efforts to ensure that the College is free from sexual misconduct;
- Reviews regularly all reports and complaints raising potential Title IX issues throughout the College to identify and address any patterns;
- Reviews regularly the College's policies and procedures to ensure that they comply with the requirements of Title IX;

- Organizes and maintains files related to grievances, reports and complaints, and other records of potential sex discrimination, including sexual misconduct, in a secure manner;
- Assesses regularly the College's compliance with, and the effectiveness of, policies and procedures related to sex discrimination, including sexual misconduct, and recommends modifications where appropriate;
- Coordinates regularly with the ABCSD Campus Safety Coordinator with respect to overlapping obligations related to sexual misconduct against students, including prevention education, and training;
- Consults regularly with ABCSD leadership and campus stakeholders to promote campus-wide awareness and discussion of Title IX-related issues and develop and implement any modifications of policies and procedures to prevent and eliminate sex discrimination, including sexual misconduct; and
- Ensures that appropriate policies and procedures are in place for working with local law enforcement and coordinating with local victim advocacy organizations and service providers, including rape crisis centers.

III. NOTICE OF NONDISCRIMINATION AND POLICY STATEMENT ON SEXUAL MISCONDUCT

A. ABCSD Amnesty Policy

ABCSD will investigate allegations of sex and gender-based misconduct, including when drugs or alcohol may have been involved. ABCSD encourages the reporting of sex and gender-based misconduct by victims and witnesses who may be hesitant to report to officials or participate in the resolution process because of concern that they may be accused of policy violations, such as, underage drinking or drug use at the time of incident. It is in the best interest of the community that victims and witnesses come forward to share what they know regarding violations of this policy. To encourage reporting, ABCSD grants victims and witnesses amnesty, when appropriate, for potential policy violations and provides all parties and witnesses other interim measures, as appropriate or needed.

B. Reports of Sexual Misconduct from Anonymous Sources

All anonymous reports will be reviewed by the Title IX Coordinator for a ABCSD response. If a victim of Sexual Misconduct or a reporting party shares information with a responsible employee, but wishes to remain anonymous, the responsible employee must still report any information about the identity of the victim/reporting party and the person reported to have engaged in the sexual misconduct to the Title IX Coordinator. The Title IX Coordinator will evaluate requests for anonymity/confidentiality and work in accordance with the procedures in this policy.

C. Pre-Meeting Submissions

The purpose of Pre-Meeting submissions is to gather facts and evidence that will enable the Title IX Coordinator and Taskforce to assess whether the alleged conduct is in violation of the Title IX Policy and if further action is needed based on the alleged conduct. Pre-Meeting Submissions will allow the Title IX Coordinator and other offices to assess the nature and circumstances of the allegation(s), address immediate concerns of all parties involved, notify Complainant of available outside resources (listed under Resources and Reporting Options for Victims of Sexual Misconduct), discuss the preference of resolution with the Complainant, discuss ABCSD's policy on prohibiting Retaliation, and explaining the role and right to an advisor.

D. Intake Meeting with Complainant

Informal

The Title IX Coordinator shall meet with the Complainant to:

a. Understand the nature of the concern.
b. Give the student a copy of the College's Title IX policy and procedure concerning Title IX and inform the student of his/her rights under the informal and formal complaint procedures.
c. Assist the student in any way advisable.

Formal

An Investigator will be hired by the College to do a formal outside investigation. The investigator shall, within ten (10) working days of the Complainant's referral to the formal process, give the complainant an opportunity to meet with the outside investigator to review the nature of the complaint and identify the scope and nature of the investigation. If the complainant fails to meet with the outside investigator within a reasonable time (usually 30 working days), the investigation will continue based on the written formal complaint. Within ten (10) working days of meeting with the complainant (or 30 days as noted above), the outside investigator shall give the respondent an opportunity to meet with the outside investigator to receive the respondent's answer to the complaint and to review with respondent the scope and nature of the investigation. Parties may inform the outside investigator of witnesses to contact and may present documents in support of their positions. Each party has the right to be aided or represented by an advisor (at their expense).

E. Interim Measures

Upon learning of a report or complaint of sexual misconduct, the Title IX Coordinator promptly takes steps to ensure the Complainant's equal access to the College's programs and activities and protect the

complainant, as necessary. Such steps include taking interim measures before the final outcome of any investigation, providing remedial measures after the final outcome of investigation, and making the complainant aware of all available resources.

F. The Review

Alleged violations of this policy will be referred to the Title IX Taskforce for appropriate review. All parties in a student conduct proceeding will be informed at the same time and in the same manner of any final determinations, as well as ABCSD's appeal process, and their rights to request an appeal.

G. Conduct of the Taskforce

The role of the Taskforce is to review investigation reports, convene with the outside Investigator and/or parties involved to determine if further information is needed to support a finding and/or resolution to the alleged policy violation(s). If it is concluded that there is a policy violation, this Taskforce shall determine an appropriate sanction.

Following a decision by the Taskforce that sexual harassment or other violation(s) has occurred, the Taskforce shall, by majority vote, decide the following subsidiary questions.

H. Levels of Wrongdoing

1. **Intentional Behavior:** If the Taskforce finds that the respondent either knew or was substantially certain that the conduct in which he/she engaged would be regarded as sexual harassment by the complainant or by a reasonable complainant, then the Taskforce shall find that such conduct was intentional.
2. **Reckless Behavior:** If the Taskforce finds that the respondent actually realized or knew of facts from which he/she should have realized that there was a strong probability that the behavior in which he/she engaged would be regarded as sexual harassment by the complainant or by a reasonable complainant, then the Taskforce shall find that such conduct was reckless.
3. **Negligent Behavior:** If the Taskforce finds that the respondent engaged in behavior which an ordinary reasonable person under the circumstances would have thought to be sexual harassment, then they shall find that it was negligent.

I. Corrections

1. **Amending Corrections:** Private Apology, Public Apology. Respondents who have been found not to have engaged in sexual harassment, although the conduct would have been considered

sexually harassing from the perspective of a reasonable person in the position of the victim, shall be encouraged to apologize. Public apology would be appropriate when the behavior involved more than one person (regardless of the number of complainants).

2. **Educative Corrections:** Education, Counseling. If behavior is found to be negligent, under no circumstances shall the respondent be given a more severe sanction.
3. **Disciplinary Corrections:** Private Reprimand, Public Reprimand. These corrections are appropriate for reckless or intentional behavior.

J. Punitive Sanctions

1. **Major:** Suspension or termination from the College. Major punitive sanctions shall be limited to those cases where the Taskforce unanimously finds that the behavior was intentional.

K. Immediate Measure and Accommodations

Every effort possible will be afforded the victim of an assault who experiences academic difficulties that may arise as a result of the assault. The victim may discuss the options available with the Title IX Coordinator. This may include, but is not limited to, a leave of absence, tutoring, or extensions of time for completion of courses. Appropriate assistance will be determined by the Administration.

L. Orders of Protection

Procedures are available, per the Title IX Coordinator, for resolving complaints and the ramifications of making such a complaint, including protection from retaliation and the scope of confidentiality.

M. Anti-Retaliation Policy

Complaints of retaliation by any member of the College community against a complainant, witness or advocate in a Title IX complaint proceeding may be made to the Title IX Coordinator. Retaliation for filing a complaint, formal or informal will not be tolerated.

N. Complainant and Respondent Impact Statement

Impact Statements from Complainant and Respondent allows a description on how this policy violation has had an impact on them and will assist to determine an appropriate sanction(s). These statements may provide useful information about damage to well-being on the complainant/respondent that otherwise would have been unavailable to those responsible for investigating the policy violation. A Complainant is not required to appear before the panel of those responsible for handling the policy violation but is encouraged to express their experience(s) in written form.

O. Appeal Process

If, after meeting jointly or separately with the Taskforce, the parties agree to a proposed resolution, the resolution shall be implemented, and the informal process shall be concluded. At any time during the informal process, the complainant may initiate a formal complaint.

Individuals shall submit objections to institutional leadership within fifteen (15) calendar days of receipt of the determination. Within forty-five (45) calendar days of receiving the complainant's appeal, a copy of the final Board decision shall be forwarded to the complainant and the Title IX Coordinator.

P. Scope of Policy

Students are advised to utilize the appropriate administrative procedure for resolving complaints. ABCSD has separate policies that govern student conduct, sexual harassment, sexual assault, and discrimination (based on race, color, national or ethnic origin, age, gender, religion, sexual orientation, marital status or physical or mental disability.) Students are advised to contact the Title IX Coordinator if unsure of which policy applies to their situation.

Q. Victim's Rights

Students who believe that they have been harassed or discriminated against based on race, color, national or ethnic origin, age, gender, religion, sexual orientation, marital status, or physical or mental disability shall have a right to file a complaint. Victim's rights also include:

1. The right to notify or not notify law enforcement, and to request and receive assistance from ABCSD in making a report if desired.
2. The right to summary information on all available response options, such as complaint resolution procedures, including the necessary steps and potential consequences of each option whether or not a formal report is made to the institution.
3. The right to be free from undue coercion from ABCSD to pursue or not to pursue any course of action.
4. The right to be informed of the institution's role regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a civil, criminal, or tribal court (when applicable).
5. The right to contact information for the Title IX Coordinator, available confidential advisors, community-based resources (sexual assault crisis centers or other appropriate support services), campus security and/or local law enforcement.
6. The right to be fully informed of any applicable disciplinary conduct process and procedures.

7. The same rights as the accused to attend and have a support person of their choice and/or witnesses present at student conduct hearings and any meetings leading up to such a hearing.
8. The right to be informed of the outcome of any student or colleague conduct process involving alleged sex or gender-based misconduct regardless of participation in the process leading to that outcome. In the case of student conduct proceedings, victims have the right to appeal the outcome.
9. The right to request interim protective measures and accommodations including a change in academic, employment, on-campus living, transportation or other arrangements after the alleged sex or gender-based misconduct and to be informed of the reasonably available options for those changes.
10. The right to obtain and have enforced a campus-issued limiting instruction or no contact order or a court issued order of protection or no contact order.
11. The right to be informed about the College's ability to provide assistance, upon request, in accessing and navigating campus and/or community resources for health, mental health, advocacy, and/or other services for survivors of sexual assault, relationship violence and other forms of sexual misconduct.
12. The right to be free from any suggestion that they are at fault or should have acted in a different manner to avoid reported sex or gender-based misconduct.
13. The right to not be required to describe the incident to more representatives than absolutely necessary for proper investigation and response and under no circumstances will a victim be required to repeat details of the incident to secure appropriate accommodations.
14. The right to make an impact statement during the point in any conduct review process where the decision maker is prepared to deliberate on appropriate sanctions.

R. Training for Students, Faculty, Staff

The Title IX Coordinator provides or facilitates ongoing training, consultation, and technical assistance on Title IX for all students, faculty, and staff, including:

- Regular training for faculty and staff outlining their rights and obligations under Title IX, including the appropriate response to reports of sexual misconduct, the obligation to report sexual misconduct to appropriate College officials, and the extent to which counselors and advocates may keep a report confidential; and,
- Regular training for students outlining their rights under Title IX regarding sexual misconduct. This training will include what constitutes sexual misconduct and when it creates a hostile environment, the definition of consent, reporting and when it creates a hostile environment, reporting options (including reports to responsible employees, campus and local law enforcement, and confidential reporting to counselors or advocates), the grievance procedures used to process complaints, applicable disciplinary code provisions relating to sexual misconduct and the consequences of

violating those provisions, the role of alcohol and drugs in sexual misconduct, the effects of trauma, strategies and skills for bystander intervention, the office or individuals with whom students can speak confidentially, the offices or individuals who can provide support services, the employees who must report incident to the Title IX Coordinator, and Title IX's protections against retaliation.

S. Prevention and Awareness Education Programs

- Title IX: Preventing Sexual Misconduct for Students, Faculty & Staff (Internal)

T. Reporting Options

1. **Criminal Action:** The victim of an assault will receive information about the existence of criminal prosecutions against the person committing the assault. A crime report form will be kept on file at the College and will be given to the victim.

2. **Civil Action:** Each victim will be informed that civil action can be instituted against the perpetrator of an assault. The victim will be advised to seek counsel, whether private or through legal services available to the victim of an assault.

U. Law Enforcement Notification

If possible, the victim or witness of a sexual assault should immediately report the incident to the police. The quickest and most efficient way is to dial 911. Trained specialists are on duty 24 hours a day to dispatch the emergency care necessary whether it is paramedics, police, or both.

A victim or witness of sexual assault should remember that safety is of utmost importance: therefore, a victim or witness should go to a safe place. Once in a safe place, the police should be called immediately. When reporting sexual assault stay as calm as possible and do not hang up until the authorities have all necessary information. The report of the sexual assault should give:

1. Name and telephone number (of telephone from which call is made).
2. Address and location (i.e., room, building, floor etc.) where the victim or witness is located. The same information should be given for the location of the assault.
3. The crime being reported and a **BRIEF** statement of what has occurred.
4. Suspect Information
    a. Is the suspect's location known or has the suspect fled?
    b. If the suspect has fled, in which direction last headed.
    c. Description of the suspect.
        - Male or female

- Race
- Approximate age
- Height
- Weight
- Hair Color
- Eye Color
- Description of clothing worn by suspect

d. If the suspect fled by vehicle

- Type of vehicle
- Color of vehicle
- License plate number – even if partial
- In which direction vehicle was going

After calling the proper authorities, victims or witnesses should take extreme care to preserve all physical evidence. Clothing and the person should not be washed. Clothing worn by the victim at the time of the assault must be saved. The area where the assault occurred must not be disturbed.

V. ABCSD Notification

ABCSD administration should also be notified immediately that a sexual assault has occurred. The victim of an assault should seek assistance and information from any available member of the Administration or Faculty. Assistance includes transportation to medical facilities, notifying police, or paramedics, or both.

Unless directed by the assault victim not to report the assault, ABCSD without delay will report the assault to the authorities. ABCSD believes strongly that any sexual assault must be reported as soon as possible. ABCSD will report immediately, where in the best judgment of the administration, reporting is necessary to safeguard the victim or other individuals. ABCSD will preserve to the utmost extent possible, the privacy of the victim.

W. Confidentiality

Any report of sexual assault will be kept in strictest confidence by ABCSD. Once an assault has been reported and all essential assistance has been rendered, the matter will be turned over to the Title IX Coordinator. The Title IX Coordinator shall have sole access to the file, which will include information about events that have occurred and all future action that transpires. To assure confidentiality for the victim, all procedures for case management, including keeping the victim informed of the status of any student disciplinary proceedings in connection with the sexual assault, or the results of any disciplinary action or appeal will be the responsibility of the Title IX Coordinator. ABCSD employees will be instructed about the importance of strictest confidentiality. No information will be released without the express consent of the

victim or unless under court order. Should ABCSD receive a subpoena for information, the victim will be notified prior to complying with the subpoena to give the victim an opportunity to challenge the subpoena. In the case of absent legal capacity, the information will be released to the victim's family upon request. ABCSD recognizes the importance of strictest confidentiality.

X. Professional and Pastoral Counselors

ABCSD does not offer professional, licensed counselors or pastoral counselors.

Y. Procedures for Responding to a Complaint of Sexual Harassment or Sexual Assault

Members of an academic community must be able to study in an atmosphere of mutual respect and trust. ABCSD is committed to creating and maintaining an environment, which respects the dignity of individuals and groups.

The goal of ABCSD is to have a process that is sensitive to the needs of students as well as the rights of those against whom allegations have been made.

Students who believe that they have been harassed or discriminated against based on race, color, national or ethnic origin, age, gender, religion, sexual orientation, marital status, or physical or mental disability shall have a right to file a complaint. The procedures outlined below govern the process of all discrimination complaints filed by students, except for complaints of sexual harassment or sexual assault. Such complaints will be handled pursuant to the College policies covering these specific areas.

Complaints must be filed within one year of the alleged unlawful harassment or discrimination or within one year of the date on which the complainant knew or should have known of the facts of the harassment or discrimination incident.

Initial Steps

1. A copy of these procedures and the Discrimination Complaint forms, are available in the ABCSD Title IX Coordinator's office.

2. Completed complaint forms are to be mailed or taken to the attention of the Title IX Coordinator.

3. Complaint forms will be processed if filed within one year of the alleged harassment or discrimination.

A person who alleges that he or she has personally suffered harassment or discrimination based on race, color, national or ethnic origin, age, gender (discrimination only), religion, sexual orientation, marital status, or physical or mental disability, or one who has learned of such unlawful harassment or discrimination, shall invoke the procedures described above.

An individual may also file a complaint of unlawful discrimination with the Equal Employment Opportunity Commission, 2014 "T" Street, Suite 210, Sacramento, CA 98514.These additional procedures may be used at the time of filing a complaint, during, or after use of the institution's harassment or discrimination complaint process. It should be noted that each agency has its own time frames for filing complaints.

IV. RESOLUTION

A. Informal Resolution

A student who has reason to believe that he/she may have been a victim of harassment or discrimination based on race, color, national or ethnic origin, age, gender, religion, sexual orientation, marital status, or physical or mental disability may resolve the matter through an informal process under this procedure. **Participation in the informal process is optional and not a prerequisite to filing a formal complaint.**

ABCSD has established the following informal procedure to resolve charges of harassment or discrimination within forty-five (45) calendar days:

1. A student who alleges that he/she has personally suffered harassment or discrimination should be referred to the owner to directly discuss his/her concerns.

2. The Title IX Coordinator shall meet with the student to:

   a. Understand the nature of the concern.
   b. Give the student a copy of the College's Title IX policy and procedure concerning such unlawful discrimination and inform the student of his/her rights under the informal and formal complaint procedures.
   c. Assist the student in any way advisable.

If the student is willing to resolve the matter informally, it may not be necessary to pursue a formal investigation (unless warranted by the seriousness of the charge.)

3. The student will communicate relevant information to The Title IX Coordinator. The Title IX Coordinator shall inform the respondent of the possible complaint and allow the respondent an opportunity to state the facts as known to him/her.

4. If, after meeting jointly or separately with the Title IX Coordinator, the parties agree to a proposed resolution, the resolution shall be implemented, and the informal process shall be concluded. At any time during the informal process, the complainant may initiate a formal complaint.

5. The Title IX Coordinator shall keep a written log of discussions and a record of the resolution. This information shall become part of the official investigation file if the complainant initiates a formal complaint. If the parties reach an agreement resolving the complaint, a letter summarizing the informal investigation and the resolution agreed upon shall be sent to the complainant and the respondent and kept as part of the record.

6. Once a complaint is put in writing and signed by the complainant, the complaint is considered to be formal and the formal complaint procedures should be followed.

B. Formal Resolution Process

1. A student who alleges that he/she has personally suffered harassment or discrimination based on race, color, national or ethnic origin, age, gender, religion, sexual orientation, or physical or mental disability shall complete and sign the ABCSD Discrimination Complaint Form within one year of the alleged incident or within one year of the date on which the complainant knew or should have known of the facts of the harassment or discrimination incident.

2. On the complaint form, the complainant shall describe in detail the alleged harassment or discrimination and the action the complainant requests to resolve the matter. All written requests shall be signed and dated by the complainant and shall contain at least the name(s) of the individual(s) involved, the approximate date(s) of the event(s) at issue and a detailed description of the actions constituting the alleged harassment or discrimination. Names, addresses and phone numbers of witnesses or potential witnesses should be included if possible.

3. Within three (3) working days after receipt of a signed complaint, the Title IX Coordinator will review the complaint to determine whether it describes the kind of harassment or discrimination which is prohibited under these procedures and whether the complaint sufficiently describes the facts of the alleged misconduct. If the complainant does not describe the kind of prohibited conduct the College investigates under the procedures, the complainant will be notified and will be referred to the appropriate process. If the complainant does not sufficiently describe the facts giving rise to the complaint so that a determination can be made regarding whether the alleged misconduct is covered under these procedures, the complaint will be returned, and the complainant will be invited to submit an amended complaint providing enough factual detail to allow the above determination to be made.

4. Within three (3) days of receiving a complaint (or amended complaint), the Title IX Coordinator shall appoint an outside investigator to investigate the charges. The Title IX Coordinator shall send a copy of the complaint to the owner and a notice of the complaint and these procedures to the respondent.

5. The outside investigator shall, within ten (10) working days of the complainant's referral to the formal process, give the complainant an opportunity to meet with the outside investigator to review the nature of the complaint and identify the scope and nature of the investigation. If the complainant fails to meet with the outside investigator within a reasonable time (usually 30 working days); the investigation will continue based on the written formal complaint. Within ten (10) working days of meeting with the complainant (or 30 days as noted above), the outside investigator shall give the respondent an opportunity to meet with the outside investigator to receive the respondent's answer to the complaint and to review with respondent the scope and nature of the investigation. Parties may inform the outside investigator of witnesses to contact and may present documents in support of their positions. Each party has the right to be aided or represented by an advisor (at their expense).

6. The outside investigator shall complete a full investigation. (A description of Guidelines for Conducting an Investigation, are included following this section.) Prior to completing the investigation, the outside investigator shall meet again with the complainant and the respondent, separately, to give an overview of the steps taken during the investigation, to ask complainant and respondent for the names of any other individuals the outside investigator should speak with, and to request any additional information.

7. After completion of the investigation, the outside investigator shall meet with the owner who shall be responsible for reviewing the report of the outside investigator, making factual determinations, reaching a conclusion regarding the charges, and recommending appropriate action if any.

8. The investigation shall be completed within ninety (90) calendar days of receipt of the complaint (or amended complaint).

9. Within 150 days of receiving a complaint, the following will be forwarded to the complainant and respondent:

a. A summary of the investigative report.
b. A written notice setting forth:

(1) The findings of the outside investigator and Title IX Coordinator as to whether harassment or discrimination based on race, color, national or ethnic origin, age, gender, religion, sexual orientation, marital status, or

physical or mental disability did or did not occur with respect to each allegation in the complaint.

(2) A description of actions to be taken, if any, to remedy any discrimination or harassment that occurred, and to prevent similar problems from occurring in the future (to the extent possible under law).

(3) The proposed resolution of the complaint.

(4) The complainant's right to appeal.

(5) The respondent's right to file a written response to the findings of the owner within ten (10) working days of the receipt of the findings

(6) The investigation report shall be made available to all parties involved.

C. Sexual Assault Forensic Examiners

In the case of a Sexual Assault, individuals are encouraged to obtain a physical examination by a Sexual Assault Nurse Examiner (SANE). Individuals should preserve all evidence that could be relevant in the process to any criminal charges or that may be needed to obtain an order of protection. Medical Treatment Facilities are listed under Resources and Reporting Options for Victims of Sexual Misconduct.

D. Guidelines for Conducting an Investigation

1. Upon receiving a complaint, which is properly filed, ABCSD will commence an impartial fact-finding investigation of the complaint. The Title IX Coordinator within three (3) working days of receiving a written and signed complaint shall assign an outside investigator to investigate the charges in accordance with established procedures.

2. Upon the assignment, the outside investigator shall immediately contact the complainant to schedule a meeting regarding the complaint.

3. Within the time frames described in the Formal Process, the outside investigator shall meet with the complainant and respondent separately. Parties may inform the outside investigator of witnesses to contact and may present documents in support of their positions. Each party has the right to be aided or represented by an advisor of his or her choice. The parties may present written and oral evidence. The proceedings may be recorded on audiotape or such other method (including a videotape or stenographic record) as the formal process investigator may direct. All investigative reports written or recorded will be made available to the complainant, the respondent, and their representatives.

4. The outside investigator will review all credible factual information presented, interview witnesses who may have knowledge relevant to the complaint investigation and incorporate such information into the investigative report. Confidentiality will be maintained to the extent possible.

5. Once the investigation is complete, the outside investigator will meet with the complainant and respondent separately and give an overview of the steps taken during the investigation. The outside investigator will reveal to the complainant and respondent what was done and the people the outside investigator spoke with during the investigation. The complainant and respondent will also be asked for the names of any others the outside investigator should speak with or if there is anything else he/she would like for the outside investigator to do before finalizing his/her report.

6. The results of the investigation shall be set forth in a written report and presented to the Title IX Coordinator, which shall include:

a. A description of the circumstances giving rise to the complaint.
b. A summary of the information provided by each witness, including the complainant, the respondent, and any other witnesses; interviewed.
c. An analysis of any relevant data or other evidence collected during the investigation.
d. Any other information deemed appropriate.

7. The Title IX Coordinator shall, within ten (10) working days of reviewing the outside investigator's report, determine whether harassment or discrimination did or did not occur with respect to each allegation in the complaint. The findings shall take into consideration the severity of the conduct, the pervasiveness of the conduct, the pertinent background, and other relevant college policies.

8. If disciplinary action is recommended, appropriate due process will be invoked. If the Title IX Coordinator finds there is no evidence to sustain the allegations, the record shall be kept confidential except to the extent that disclosure may be required by law. To such extent as the law allows the records will be destroyed.

The respondent shall, upon receiving the outside investigator's findings and recommendations, have the opportunity to respond in writing within ten (10) calendar days. Respondent's written response shall be included in the investigation file.

E. Determination

After completion of the investigation, the outside investigator shall meet with the Title IX Coordinator who shall be responsible for reviewing the report of the outside investigator, making factual determinations, reaching a conclusion regarding the charges, and recommending appropriate action if any.

In the event the action is against any employee or faculty, the President shall review the complaint and make the determinations outlined above. The Investigator will present the complaint and report findings to the Owner for consideration and any final action.

F. Sanctions

Punitive Sanctions - Major: Suspension or termination from the College. Major punitive sanctions shall be limited to those cases where the Taskforce unanimously finds that the behavior was intentional.

G. Appeal Rights

If the complainant is not satisfied with the results of the formal administrative determination, the complainant may appeal the determination by submitting objections to the Board of Trustees within fifteen (15) calendar days of receipt of the determination. Within forty-five (45) calendar days of receiving the complainant's appeal, a copy of the final Board decision shall be forwarded to the complainant, the owner, and the respondent. The Board's decision is final.

H. Reporting Violations of This Policy

Inquiries or complaints that involve potential violation of Title IX may also be referred to the U.S. Department of Education Office for Civil Rights, which can be reached at: https://wdcrbcolp01.ed.gov/cfapps/OCR/contactus.cfm] or the Educational Opportunities Section of the Civil Rights Division of the U.S. Department of Justice (DOJ): http://www.justice.gov/crt/complaint/#three.

V. TITLE IX & SEX-BASED DISCRIMINATION

Title IX was enacted into law on June 23, 1972, which states "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance," absent certain exceptions 20 U.S.C. 1681. The U.S. Department of Education (Department) released its Final Rule under Title IX to promote equity and opportunity for students to ensure accountability and fairness while empowering and supporting students and families. Included in the final regulation a promise to ensure no person experiences sex discrimination, including sex-based harassment or sexual violence. The Department determined final regulations are effective August 1, 2024. The Title IX rules are enforced by the U.S.

Department of Education's Office for Civil Rights (OCR) The Title IX regulations are separate from the policies related to Clery Act. The Title IX rules apply to Associated Barber College of San Diego (ABCSD) since it receives Federal financial assistance from the Department to provide an educational environment free from discrimination on the basis of sex, including through responding to incidents of sex discrimination. For the regulation on nondiscrimination on the basis of sex in educational programs or activities receiving Federal Financial Assistance, read more Here.

The final regulations:

- **Protect against all sex-based harassment and discrimination.** The final rule protects all students and employees from all sex discrimination prohibited under Title IX, including by restoring and strengthening full protection from sexual violence and other sex-based harassment. The rule clarifies the steps a school must take to protect students, employees, and applicants from discrimination based on pregnancy or related conditions. The rule protects against discrimination based on sex stereotypes, sexual orientation, gender identity, and sex characteristics. **Quid pro quo harassment:** A school employee conditioning the provision of a school-related aid, benefit or service on an individual's participation in unwelcome sexual conduct; **Hostile environment harassment:** Unwelcome conduct on the basis of sex that is pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity. Such conduct can be carried out by school staff, a student, or another person; and **Specified offenses:** Sexual assault, dating violence, domestic violence or stalking as defined in the 202 Title IX regulations. (https://www.ed.gov/media/document/digital-sexual-harassment-under-2020-title-ix-regulations-109318.pdf)
- **Promote accountability and fairness.** The final rule promotes accountability by requiring schools to take prompt and effective action to end any sex discrimination in their education programs or activities, prevent its recurrence, and remedy its effects. The final rule requires schools to respond promptly to all complaints of sex discrimination with a fair, transparent, and reliable process that includes trained, unbiased decision-makers to evaluate all relevant and not otherwise impermissible evidence.
- **Empower and support students and families.** The final rule protects against retaliation for students, employees, and others who exercise their Title IX rights. The rule requires schools to communicate their nondiscrimination policies and procedures to all students, employees, and other participants in their education programs so that students and families understand their rights. The rule supports the right of parents and guardians to act on behalf of their elementary school and secondary school children. The rule protects student privacy by prohibiting schools from making disclosures of personally identifiable information with limited exceptions.

A. Nondiscrimination Policy & Notice of Nondiscrimination (34 C.F.R § 106.8(b)–(c))

ABCSD does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

Inquiries about Title IX may be referred to ABCSD's Title IX Coordinator, the U.S. Department of Education's Office for Civil Rights, or both. ABCSD's Title IX Coordinator is. ABCSD's nondiscrimination policy and grievance procedures can be found in this policy and the school's website, www.associatedbarbercollege.edu report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to the following sections of this document.

ABCSD prohibits sex discrimination in any education program or activity that it operates. Individuals may report concerns or questions to the Title IX Coordinator. The notice of nondiscrimination is located at www.associatedbarbercollege.edu.

B. Basic Requirements of Title IX Grievance Procedures

ABCSD will treat complainants and respondents equitably. Grievances may be presented by the complainant or respondent orally or in writing, however recipient is responsible upon initiation of its grievance procedures for providing a sufficient note of the allegations to the parties to allow them to respond to the allegations. For complaints of sex-based harassment involving student complaints or student respondents at ABCSD, written notice is required by § 106.46(c). ABCSD requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator. ABCSD presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures ABCSD has established the following timeframes for the major stages of the grievance procedures: The implementation of the grievance process will be the responsibility of the Associate Director/Title IX Coordinator, or such other senior official such as the School Director. Within 30 days, they will review the grievance through an informal investigation, which includes, but is not limited to, interviewing all parties mentioned in the complaint, deciding whether to dismiss or to continue to investigate a complaint, make a determination, and allowing for an appeal, if any. ABCSD has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay, such as attempts to locate the person(s) mentioned in the complaint or waiting for additional evidence to support the complainant's claims. An extension of 30 days will be allowed for such delays. ABCSD will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain

and present evidence, including by speaking to witnesses; consulting with their family members, confidential resources, or advisors; or otherwise preparing for or participating in the grievance procedures. The parties cannot engage in retaliation, including against witnesses. ABCSD will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness. The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by ABCSD to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

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

C. Notice of Allegations

Upon initiation of ABCSD's Title IX grievance procedures, ABCSD will notify the parties of the following:

- ABCSD Title IX grievance procedures and any informal resolution process.
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s).
- Retaliation is prohibited.
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. ABCSD provides a description of the evidence: The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party. If, during an

investigation, ABCSD decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, ABCSD will notify the parties of the additional allegations.

D. Dismissal of a Complaint

ABCSD may dismiss a complaint of sex discrimination if:

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

Upon dismissal, ABCSD will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then ABCSD will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing. ABCSD will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then ABCSD will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome. If the dismissal is appealed, ABCSD will:
    - Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;

- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result. When a complaint is dismissed, ABCSD will, at a minimum:
- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within ABCSD's education program or activity.

E. General Support

ABCSD will maintain:

(1) For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures and resulting outcome, and

(2) for each notification that the Title IX Coordinator receives of information about conduct that reasonably may constitute sex discrimination under Title IX or the implementing regulations, records documenting the actions the recipient took to meet its obligations under §106.44.

VI. SOURCES OF COUNSELING, ADVOCACY AND SUPPORT

A. Resources and Reporting Options for Victims of Sexual Misconduct

1. EMERGENCY

- Police/Paramedics/Emergencies – 911
- San Diego Police Department – (619) 234-7703
- San Diego Fire Station No.1 – (619) 533-4300
- American Red Cross – (800) 733-2767 (24hr.)
- Federal Emergency Management Association (FEMA) – Disaster Assistance Information – (800) 621-3362 (24 hr.)

2. MEDICAL EMERGENCY

- Scripps Mercy San Diego Emergency Room – (858) 832-2478
- Emergency Dept, San Diego Medical Center – Hillcrest – (619) 543-6400
- UC San Diego Health – Downtown – (619) 541-4787

3. MEDICAL

- Sharp Community Medical Group – (619) 435-2600
- San Diego Medical Group – (619) 718-9444
- Sharp Rees-Stealy Downtown– (858) 499-2600
- Perlman Clinic Downton – San Diego – (858) 333-4977
- Naval Medical Center San Diego – (619) 532-6400
- Hillcrest Medical Center at UC San Diego – (858) 657-7000

4. **LEGAL ASSISTANCE**

- Centext Legal Services – (619) 908-1900
- Legal Society of San Diego Conservatorship Clinic – (877) 534-2524
- Shaw Legal Office, APC – (619) 461-1083

5. **RAPE HOTLINES**

- Rape Crisis Hotline – (619) 697-7477
- Center for Community Solutions | Rape Crisis Center – (858) 272-5777
- Domestic Violence/Rape/Sexual Assault Hotline – (888) 385-4657
- Rape, Abuse, Incest National Network (RAINN) Hotline (24 hour) – (800) 656-4673

6. COUNSELING/OUTREACH

- HOPE Program – (858) 523-4520
- Serene Health – (844) 737-3638
- NAMI San Diego – (858) 634-6580
- South Bay Guidance Center – (619) 427-4661

7. DEFINITIONS

Acquaintance Rape – Form of Sexual Misconduct committed by an individual known to the victim. This includes a person the victim may have just met.

Advisor - An individual, can also be a sexual assault victim advocate, who assists a complainant or respondent in understanding and navigating the investigation process. Provides support to the complainant or respondent throughout the process.

Bystander - Means any individual who sees or hears about a behavior that could lead to something risk or harmful.

Confidential Resources – All conversations will remain confidential and will not initiate any type of investigation into the incident.

Confidentiality – Information is protected from being disclosed to anyone else, unless required or permitted by law.

Complaint – a complaint can be oral or written request to the recipient that objectively can be understood as a request to investigate and make a determination about alleged discrimination under Title IX and this part.

Complainant – A term applies to students, employees or former students or employees. This term applies to all forms of sex discrimination, no just sex-based harassment. A complainant is not just limited to enrolled student, they can include member of the public who "are either taking part or trying to take part of a funding recipient institution's educational program or activity."

Consent – Knowing, voluntarily, and clear permission by words or actions to engage in sexual activity. It is the responsibility of each party to determine that the other has consented before engaging in the activity.

Course of Conduct – Two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

Dating Violence – Any type of verbal, emotional, physical, or sexual abuse that occurs between two people identified as being in a dating relationship.

Domestic Violence – Any type of verbal, emotional, physical, or sexual abuse in any relationship that is used by one person to gain or maintain power and control over another person.

Decisionmaker – Someone who is primarily responsible for making decisions. At ABCSD, the decision maker is the School Director or Associate Director/Title IX Coordinator.

Disciplinary Sanctions – applies to all recipients and is required at any level. Consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.

Definition of Gender Based Misconduct – Unwelcome conduct based on a student's sex; harassing conduct based on a student's failure to conform to sex stereotypes.

Domestic Violence - Felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitation with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by another other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Evidence - What tends to prove or disprove an event, crime, or accident. Can be in the form of text, email, pictures, etc. Also known as electronic evidence.

Force – Making an individual engage in unwanted sexual contact either by force, manipulation, intimidation, etc.

Formal Complaint – A document that initiates a recipient's grievance process

Incapacitation – State in which someone cannot make rational, reasonable decisions because the person lacks the capacity to give knowing consent (e.g., to understand the "who, what, when, where why or how" of their sexual interaction).

Intimidation – Threatening or emotionally distressing conduct based on sex including, but limited to, nonconsensual recording of sexual activity or the distribution of such recording.

LGBTQ+ - people who are lesbian, gay, bisexual, transgender, queer, questioning, asexual, intersex, nonbinary, Cisgender, or describe their sex characteristics, sexual orientation, or gender identity in another similar way.

No-Contact Order – Recipients can offer measures – tempered by the requirements that they are not punitive, disciplinary, or unreasonably burdensome to the other party – to limit the interactions, communications, or contact, between the parties

Privacy – Information related to a report of misconduct will only be shared with a limited circle of individuals. Use of information is limited to those who "need to know" in order to assist in the active review, investigation, or resolution of a report. Individuals will be discreet and respect privacy of all individuals involved in the process.

Rape – Unlawful sexual activity and usually sexual intercourse carried out forcibly or under threat of injury against a person's will or with a person who is beneath a certain age or incapable of valid consent because of mental illness, mental deficiency, intoxication, unconsciousness, or deception.

Reasonable Person – A hypothetical individual who approaches any situation with the appropriate amount of caution and then sensibly takes action. Used to determine if the Respondent's actions were severe, pervasive, and objectively offensive enough to be considered sexual harassment under Title IX.

Referred for disciplinary action – The referral of any person to any official who initiates a disciplinary action of which a record is established, and which may result in the imposition of a sanction.

Reporting Individual – The individual who wishes to make a complaint.

Respondent - means any individual who is reported to be the perpetrator of sexual harassment or sexual misconduct.

Retaliation – Acts which may include giving students failing grades, preventing students from participating in school activities, and threatening expulsion against any individual who exercises his or her rights under Title IX, are discrimination and are unlawful. Recipients of federal funds are prohibited from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX.

Sexual Misconduct – Offenses that are sexual or gender based, which include, but are not limited to: Sexual Harassment, Non-Consensual Sexual Contact (or attempts to commit same), Non-Consensual Sexual Intercourse (or attempts to commit same), and Sexual Exploitation.

Sexual Assault – Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent

Sexual Battery – Act of making unwanted and sexually offensive contact with an intimate body part of another person or which cause an immediate apprehension in the other person that such an act will occur.

Stalking – Repetitive and/or menacing pursuit, following, or interference with the peace and/or safety of an individual(s). Pattern of behavior which makes an individual feel afraid, nervous, harassed, or can place someone in danger.

Sex-based harassment – the sexual harassment or harassment on the bases described in 106.10 satisfy one or more of three categories (i.e., quid pro quo, hostile environment, or specific offenses). The acts of harassment include verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex.

Sexual Harassment – Unwanted sexual behavior, advances, or requests for favors. Unwelcomes verbal, visual, or physical sexual conduct. Offensive, severe, and/or frequent remarks about a person's sex.

Sexual Discrimination – Adverse action taken against an individual because of gender or sex (Including sexual harassment, sexual violence, domestic violence, dating violence, and stalking).

Substantial Emotional Distress – Significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Witness - An individual who sees an event, typically a crime or accident, take place.