

# **Annual Campus Security/Fire Safety Report and Policies for Cranston, RI**

## **As of 10/1/18**

**TONI&GUY Hairdressing Academy** is firmly committed to maintaining a safe campus environment. The full benefit of academic freedom is only experienced by faculty and students when the Academy is free of violence or other criminal activity. To that end, and in accordance with the Jean Clery campus security policy and campus crime statistics act, the institution collects campus crime statistics and prepares this report for distribution to all current and prospective students and employees.

Campus is defined as “any building or property owned or controlled by the Academy within the same contiguous geographic area used by the Academy in direct support of or related to its educational purpose.” The campus includes the facilities located at TONI&GUY Hairdressing Academy and the parking lot.

The public area for the Academy is defined as the sidewalk of 1400 Oaklawn Ave, the street directly in front of it and the sidewalk of 1500 Oaklawn Ave.

No later than October 1st of each year, the Academy distributes notification to all current students and employees of the availability of the campus security report on our website with the exact URL where it is located. In addition, the report is made available to all prospective students during their tour or upon hiring of a new employee. At the pre-enrollment orientation, students review the campus security procedures. A copy of the report is maintained in the business office along with the backup documentation.

### **How TONI&GUY Hairdressing Academy Prepares the Annual Crime Statistics:**

The TONI&GUY Hairdressing Academy utilizes a Business Manager who requests the crime statistics from the state and local authorities and produces the Annual Campus Security and Fire Safety Report.

Carol Bastow, Business Manager

### **Reporting Crimes**

All individuals are encouraged and requested to report immediately any known criminal offense or other emergency occurring on campus to the Director of the Academy (non-emergencies) or dial 9-1-1 (emergencies only). In the event that the director is unavailable, the contact will then be the Director of Education or the Academy Designee. All individuals are also encouraged to promptly report all crimes to appropriate police agencies. The Academy Director will report all known criminal offenses to local law enforcement authorities upon obtaining knowledge of any criminal offense. Any suspicious activity or person seen loitering inside or around the school buildings should be reported to the School Director.

Reports may also be made to the school’s Campus Security Authorities, or CSAs. Under Federal law, the definition of CSAs include individuals/offices designated by the school as those to whom crimes should be reported; and officials with significant responsibility for student and campus activities. If a school staff member has “significant responsibility” for students and campus activities outside of the classroom, and students potentially could report a crime / incident to that staff member, then they are a CSA. CSAs are defined by function, not title. For TONI&GUY Hairdressing Academy, CSAs include the Academy Chief Executive Officer, Regional Director, Academy Director, Recruiter, Business Manager and Financial Aid Coordinator.

Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S.C. 1232g) commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

### **Voluntary Confidential Crime Reporting**

TONI&GUY Hairdressing Academy does not currently have policies and procedures allowing voluntary confidential crime reporting. Violations of the law will be referred to the local police department.

### **Pastoral and Professional Counselors**

TONI&GUY Hairdressing Academy does not employ pastoral and professional counselors.

### **Campus Security Authority and Jurisdiction**

The campus does not employ campus security officials. The ultimate authority for law enforcement at the Academy is the local police department. The security of the campus is the direct responsibility of each employee and the Academy director. The Academy does not have any written agreements with local police departments for the investigation of alleged criminal offenses. Academy officials have the authority to contact the local police to request assistance in preventing or reacting to crime within or in the immediate vicinity of Academy facilities. The Academy Director is the school's coordinator of security issues. She is not authorized to arrest individuals but does have the authority to detain suspected criminal offenders if it is deemed safe to do so. The administration at TONI&GUY Hairdressing Academy has a strong, working relationship with the local police and work in partnership to offer students and employees the safest possible environment.

### **Criminal Activity on Campus**

In the event of criminal activity at the Academy, the student body, faculty, and administration are gathered together and informed of the situation immediately.

### **Information for Crime Victims about Disciplinary Hearings**

Institution must, upon written request, disclose to the alleged victim of any crime of violence, or a non-forcible sex offense, the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of the crime or offense, the information shall be provided, upon request to the next of kin of the alleged victim.

This provision applies to any disciplinary proceeding conducted by the institution on or after August 14, 2009 (HEOA amendment).

### **Fire Safety**

TONI&GUY Hairdressing Academy does not house any students on campus and is not required by the Clery Act to disclose fire information.

### **Facility Access & Safety**

The TONI&GUY Hairdressing Academy is monitored by 24-hour surveillance cameras.

The facilities are open Monday through Saturday according to assigned class/salon area schedules. During business hours, the Academy will be open to students, employees, contractors, guests, and invitees. The building may also be open for educational classes when not in use for regularly scheduled classes for licensed professionals in cosmetology or to groups securing the use of the facilities through the owner. During non-business hours access to all school facilities is by key and security code, if issued, or by admittance via the Academy Director or her designee. Emergencies may necessitate changes or alterations to any posted schedules. No student will have access to the campus facility, other than the parking area, at any time unless supervised by a staff member.

### **Security Education**

Before a student enrolls, all the information regarding crime statistics are given to the prospective student before they sign their contract. The Academy conducts pre-enrollment orientation sessions for all new students. The orientation program includes information regarding issues of personal security and emergency response protocol. In addition, information is disseminated to students and employees through tips posted in the school buildings, in-class announcements, and announcements through social media. TONI&GUY Hairdressing Academy does not offer a crime prevention program.

The Academy encourages all students and employees to be responsible for their own security and the security of others. The Academy does not employ campus security officials. Therefore, the security of the campus is the direct responsibility of each employee and administrator. No such individuals have the authority to make arrests.

### **Off-Campus Student Activities**

When TONI&GUY Hairdressing Academy students are meeting off-campus, they are held to the same policies and regulations of reporting all crimes and offenses. There are no buildings or properties owned or controlled by the Academy's student organizations which are recognized by the Academy. TONI&GUY Hairdressing Academy does not provide law enforcement services to off-campus activities on behalf of the school.

### **Firearms**

The possession of any firearms, (e.g., pistols, rifles, shotguns, or crossbows) is prohibited. Any person on campus with a loaded firearm will be prosecuted by local authorities.

### **Timely Warning Policy**

#### **What Are Timely Warnings?**

Timely warnings are provided to notify students, faculty, and staff of certain crimes or circumstances that may represent a threat to the campus community and to heighten safety awareness.

#### **When Are Timely Warnings Made? What Type of Situations Do They Warn of?**

Decisions to issue a timely warning are made on a case-by-case basis considering the nature of the situation and the danger posed to the campus. They do not represent an emergency situation, only a situation that students and faculty need to be aware of to heighten safety awareness. A warning is only required when a situation occurs on campus or the area defined as public property surrounding the campus. Some examples of timely warnings that might be issued are severe weather alerts such as a tornado, the theft of a vehicle from the campus, or a suspicious person outside the building.

#### **Who Makes Them and How?**

A timely warning is made by the Academy director or designee and the students and staff are gathered together and the announcement is made. The police are also notified if the situation warrants it.

### **Emergency Response Policy**

#### **Emergency Response Plan**

TONI&GUY Hairdressing Academy is committed to informing the campus of an emergency, disaster, or potential disaster immediately upon determining the nature of the emergency. When a serious incident occurs that causes an immediate threat to the campus, the Academy director or designee will contact the police or fire department depending on the emergency. The first responders to the scene are usually the local police department, the state police and the local fire department. If needed, the Academy would contact the state Emergency Management Agency, which may manage the incident. Depending on the nature of the incident, other departments and other local or federal agencies could also be involved in responding to the incident.

#### **How the Students and Staff Are Notified in An Emergency**

An announcement is immediately made in the Academy to vacate the building or remain inside depending on the circumstances, or in the case of fire, the fire alarm will sound.

## Evacuation Procedures

### When Alarm Sounds

All students and faculty must vacate the building immediately.

**Pull Alarm Mounting Locations: *USE ONLY WHEN THERE IS A FIRE IN THE ACADEMY.* All fire alarms are clearly marked.**

1. Window next to the front entrance door near the blow dry bar.
2. Wall (on the left) next to both rear emergency exits of the Academy.
3. To the right of the front doors.

### Emergency Exit Doors

Once you are aware that evacuation is happening, please proceed to the following exits:

1. The two rear exits of the Academy.
2. The two front exits of the Academy.

### Meeting Place

After evacuating the building, employees and students should proceed to the lower level parking lot on the side of the Academy to ensure the safety of everyone.

### Annual Evacuation Drill

The evacuation drill occurs annually on a day during the last week of October between the hours of 9:00 and 10:00 am.

### Fire Extinguishers Locations – All extinguishers are clearly marked

1. In the front of the Academy (to the right of the exit).
2. In the front of the Academy clinic floor on the right hand side near the window.
3. In the middle of the Academy clinic floor on the left hand side outside the shampoo area.
4. On the wall to the left of the student time clock.
5. In the rear of the Academy, on the wall to the left of both rear exit doors.
6. On the rear wall outside of classroom A.
7. On the wall opposite the blow dry bar, next to the conference room.

### Active Shooter

In the event of an active shooter, the Academy will contact law enforcement agencies for their assistance. Guidance from officials may be put into action to alert and protect students, staff and clients. Determine whether school will be closed or remain open. Document all actions taken. Try to remain calm and quickly determine the most reasonable way to protect your life – run, hide or fight. Call 911 as soon as possible. A panic button linked to the local police department is located at the front desk.

**If shooter is inside the building:** Depending on circumstances, consideration may be given to exiting the building (either through the front or back doors) as safely and quietly as possible. If evacuation is not possible, try to warn others to take immediate shelter. Proceed to a room that can be locked or barricaded. Turn off lights and silence cell phones. Keep out of sight and take adequate cover/protection. Call 911. Wait until a uniformed police officer provides an “all clear”. Attempts to rescue people should only be attempted if rescue can be accomplished without further endangering the persons inside a secure area.

**If shooter enters your office/classroom:** Try to remain calm. Try not to do anything that will provoke the active shooter. Only as a last resort when it is imminent that your life is in danger, make a personal choice to attempt to

negotiate with or overpower the assailant if there is no possibility of escape or hiding. Call 911 if possible. Barricade the room or proceed to a safer location if the active shooter leaves the area.

**If you are outside and encounter an active shooter, you should:** Try to remain calm. Move away from the active shooter or the sounds of gunshots and/or explosions. Look for appropriate locations for cover/protection. Try to warn other staff, students, clients to take immediate shelter. Call 911. Do not allow staff and students to enter or leave the building until proper authorities have determined that it is safe to do so.

### **How Staff is Updated on Policies and Procedures**

Yearly, when crime statistics are distributed to the students and staff, a staff meeting is held with employees to discuss policy, procedures and protocol regarding safety at TONI&GUY Hairdressing Academy. A review of the procedures is explained, as well as reviewing how to be responsible for their own security and the security of others.

### **Sex Offender Information**

The state and local police maintain a record of registered sex offenders. You may also go on the web to [www.paroleboard.ri.gov](http://www.paroleboard.ri.gov).

### **Missing Student Procedure**

The Academy does not provide on-campus housing for students; therefore, is not required to establish official notification procedures for a missing student.

### Crime Statistics

In accordance with the Jeanne Clery disclosure of Campus Security Policy and Campus Crime Statistics Act, the Academy collects crime statistics as the basis for the Annual Security Report that is made available to students, employees, and applicants for enrollment or employment. The following criminal offenses include any crime statistics that occurred on campus, off campus and the public area during the previous three (3) year period. Any crime statistics that are unfounded by the police department are not included.

Criminal Offenses	2017			2016			2015		
	On Campus	Off Campus	Public Property	On Campus	Off Campus	Public Property	On Campus	Off Campus	Public Property
Homicide	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Disciplinary Referrals(R) and Arrests(A):	2017			2016			2015		
	On Campus	Off Campus	Public Property	On Campus	Off Campus	Public Property	On Campus	Off Campus	Public Property
Weapons Violations	R- 0 A- 0	0 0	0 0	R- 0 A- 0	0 0	0 0	R- 0 A- 0	0 0	0 0
Drug Violations	R- 0 A- 0	0 0	0 0	R- 0 A- 0	0 0	0 0	R- 0 A- 0	0 0	0 0
Liquor Law Violations	R- 0 A- 0	0 0	0 0	R- 0 A- 0	0 0	0 0	R- 0 A- 0	0 0	0 0

HATE CRIME STATISTICS
2017 – ZERO
2016 – ZERO
2015 – ZERO

Reportable categories are: race, gender, religion, sexual orientation, gender identity, ethnicity/national origin and disability.

## DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM

### Drug Offenses Related to TITLE IV Aid

	Possession of illegal drugs	Sale of illegal drugs
1 <sup>st</sup> Offense	1 year from date of conviction	2 years from date of conviction
2 <sup>nd</sup> Offense	2 years from date of conviction	Indefinite period
3 <sup>rd</sup> plus Offense	Indefinite period	Indefinite period

The student can gain eligibility the day after the period of ineligibility ends or when the student has successfully completed a drug rehabilitation program. If the student has further drug convictions, the student will become ineligible again. Students who have been denied ineligibility for an indefinite period of time can regain eligibility only after successfully completing a rehabilitation program or if the conviction was reversed, set aside, or removed from the student's record so that fewer than two convictions for the sale of illegal drugs or three convictions for possession remain on the student's record. The nature and dates of the remaining convictions will determine when the student can regain eligibility. The student is responsible to self-certify successful completion of a drug rehabilitation program. If The Academy receives conflicting documentation, the Academy will confirm reported information.

When the student regains eligibility, the student may be awarded Pell for the payment period of the award year the student is currently enrolled in. The student will be eligible for Stafford loans for the period of enrollment.

#### Standards for Qualified Drug Rehabilitation Program

Must include two unannounced drug tests and must satisfy one of the following:

- Be qualified to receive funds from federal, state, or local government programs
- Be qualified to receive funds from federal or state licensed insurance company
- The program must be administered or recognized by a federal, state, or local government agency, licensed hospital, health clinic or medical doctor

All students who will need to enter a drug rehabilitation program will be counseled by the Academy of the above requirements. If the Academy has any doubt that the drug rehabilitation program does not meet these requirements, the Academy will confirm qualifications of the program prior to disbursing Title IV.

#### Academy Drug and Alcohol Policy

Based on the Drug Free Academies and Communities Act Amendments of 1989 (Public Law 101-226), and to express this Academy's commitment to prevent drugs and alcohol abuse in the Academy environment, the Academy has adopted the following Drug and Alcohol Abuse Prevention Policy, which applies to all students and employees.

It is the policy of **TONI&GUY Hairdressing Academy** to prohibit the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in or on any property owned or controlled by the Academy. We are committed to providing a campus environment free of alcohol abuse and illegal use of

alcohol and drugs. To strengthen that commitment, the Academy has adopted and implanted a program that seeks to prevent the abuse of alcohol and drugs by the Academy, which includes its employees and students.

The policy contains the following sections: Standards of Conduct; Academy Sanctions; Applicable Legal Sanctions; Health Risks Associated with the Use of Illicit Drugs and the Abuse of Alcohol; Available Drugs and Alcohol Counseling, Treatment, and Rehabilitation.

### **I. Standards of Conduct**

The unlawful manufacture, dispensation, possession or use of a controlled substance (drugs) and the unlawful possession, use, or both, of alcohol, are prohibited in and on property owned or controlled by this Academy. No employee or student is to report to work, attend class, or participate in any Academy activity while under the influence of illegal drugs or alcohol. The possession and use of alcoholic beverages by employees, students, and guests of the Academy are at all times subject to applicable state alcoholic beverage laws, as well as city ordinances within our service area, and the Academy's policy.

### **II. Academy Sanctions**

Violation of the policy and laws referenced above by an employee or student will be grounds for disciplinary action up to and including termination or expulsion in accordance with applicable Academy policies. Violators may be consistent with local, state, and federal criminal laws. Disciplinary action taken against a student or employee of this Academy does not preclude the possibility of criminal charges being filed against that individual. The filing of criminal charges similarly does not preclude disciplinary action by the Academy. Students or employees who believe disciplinary action was taken in error should follow the grievance procedures outlined in the student or employee handbook as appropriate.

### **Federal Drug-Free Workplace Act Requirements**

The following is required of the **TONI&GUY** Hairdressing Academy and its employees and students: An employee or student shall notify his or her supervisor or other appropriate management representative of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.

The Academy shall notify any federal contracting agency within ten (10) days of having received notice that an employee or student who was engaged in the performance of such a contract or grant, has had a criminal drug statute conviction for a violation occurring in the work place.

The Academy will take appropriate personnel action against any employee or student who is convicted for a violation occurring in the workplace and will require the satisfactory participation of the employee or student in a drug abuse assistance or rehabilitation program if they remain an employee or student.

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

The Higher Education Opportunity Act requires institutions to provide to every student upon enrollment a separate, clear and conspicuous written notice with information on the penalties associated with drug-related offenses under existing section 484(r) of the HEA. It also requires an institution to provide a timely notice to each student who has lost eligibility for any grant, loan, or work-study assistance as a result of penalties under 484(r)(1) of the HEA a separate clear, and conspicuous written notice that notifies the student of the loss of eligibility and advises the student of the ways in which to regain eligibility under section 484(r)(2) of the HEA. Students are hereby notified that federal guidelines mandate that a federal or state drug conviction can disqualify a student for Federal Student Aid funds. Convictions only count if they were for an offense that occurred during a period of enrollment for which the student was receiving Title IV aid—they do not count if the offense was not during such a period. Also, a conviction that was reversed, set aside, or removed from the student's record does not count, nor does one received when he/she was a juvenile, unless the student was tried as an adult.

The Higher Education Act of 1965 as amended (HEA) suspends aid eligibility for students who have been convicted under federal or state law of the sale or possession of drugs, if the offense occurred during a period of

enrollment for which the student was receiving federal student aid (grants, loans, and/or work-study). If you have a conviction(s) for these offenses, call the Federal Student Aid Information Center at 1-800-4-FED-AID (1-800-433-3243) to complete the "Student Aid Eligibility Worksheet" to find out how this law applies to you.

If you have lost federal student aid eligibility due to a drug conviction, you can regain eligibility if you pass two unannounced drug tests conducted by a drug rehabilitation program that complies with criteria established by the U.S. Department of Education.

By completing the FAFSA, you may be eligible for nonfederal aid from states and private institutions even if ineligible for Federal Aid. If you regain eligibility during the award year, notify your financial aid administrator immediately. If you are convicted of a drug-related offense after you submit the FAFSA, you might lose eligibility for federal student aid, and you may be liable for returning any financial aid you received during a period of ineligibility.

### **III. Applicable Legal Sanctions**

#### **Federal Law**

Federal law prohibits the illegal possession, manufacture, or distribution of a controlled substance. The following information, although not complete, provides an overview of federal penalties for first convictions.

#### **Denial of Federal Benefits (21 U.S.C. #862)**

A federal drug conviction may result in the loss of federal benefits, including Academy loans, grants, scholarships, contracts, and licenses. **Federal drug possession convictions may result in denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions.**  
**Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction.**

#### **Forfeiture of Personal Property and Real Estate (21 U.S.C. #853)**

Any person convicted of a federal drug offense punishable by imprisonment for more than one year shall forfeit to the United States any property constituting or derived from any proceeds obtained as a result of such violation or any property used to commit or facilitate such violation.

#### **Federal Drug Possession Penalties (21 U.S.C. #844)**

Federal sanctions for possession of controlled substances range from minimum fines of \$1,000 to \$5,000, and /or imprisonment from up to one year to three years, depending on the number of offenses.

#### **Federal Drug Trafficking Penalties (21 U.S.C. (#841)**

Federal drug trafficking penalties vary and are outlined in the charts below, which are also posted on the Drug Enforcement Administration's website at:

**[https://www.dea.gov/sites/default/files/drug\\_of\\_abuse.pdf#page=30](https://www.dea.gov/sites/default/files/drug_of_abuse.pdf#page=30)**

**Chart One**

Schedule	Substance/Quantity	Penalty	Substance/Quantity	Penalty
II	Cocaine 500-4999 grams mixture	<b>First Offense:</b> Not less than 5 yrs. And not more than 40 yrs. If death or serious bodily injury, not less than 20yrs. Or more than life. Fine of not more than \$5 million if an individual, 25 million if not an individual.  <b>Second Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$8 Million if an individual, \$50 million if not an individual.	Cocaine 5 kilograms or more mixture	<b>First Offense:</b> Not less than 10 yrs. and not more than life. If death or serious bodily injury, not less than 20yrs. or more than \$10 million if not an individual, \$50 million if not an individual  <b>Second Offense:</b> Not less than 20 yrs. and not more than life. If death or serious bodily injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual. <b>2 or More Prior Offenses:</b> Life imprisonment. Fine of not more than \$20 million if an individual \$75 million if not individual
II	Cocaine Base 28-279 grams mixture		Cocaine Base 280 grams or more mixture	
IV	Fentanyl 40-399 grams mixture		Fentanyl 400 gram or more mixture	
I	Fentanyl Analogue 10- 99 grams mixture		Fentanyl Analogue 100 gram or more mixture	
I	Heroin 100-999 grams mixture		Heroin 1 kilogram or more mixture	
I	LSD 1-9 gram mixture		LSD 10grams or more mixture	
II	Methamphetamine 5-49 gram pure or 50- 499 gram mixture		Methamphetamine 50 gram or more pure or 500 grams or more mixture	

Substance/Quantity	Penalty
Any Amount of other schedule I & II substances	<p>First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if not an individual.</p> <p>Second Offense: Not more than 30 yrs. If death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if not an individual</p>
Any Drug product containing Gamma Hydroxybutyric Acid	
Flunitrazepam (schedule IV) 1 gram	
Any amount of other schedule III drugs	<p>First Offense: Not more than 10 yrs. If death or serious bodily injury, not more than 15 yrs. Fine not more than \$500,000 if an individual. \$2.5million if not an individual.</p> <p>Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1 million if an individual, \$5 million if not an individual,</p>
Any amount of all other schedule IV drugs (other than one gram or more of Flunitrazepam)	<p>First Offense: Not more than 5 yrs. Fine not more than \$250,000 if an individual, \$1 million if not an individual.</p> <p>Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if other than an individual.</p>
Any amount of all schedule V Drugs	<p>First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual.</p> <p>Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual</p>

**Chart Two**

<p><b>Federal Trafficking Penalties for Marijuana, Hashish and Hashish Oil, Schedule I Substances</b></p>	
<p><b>Marijuana</b>  <b>1,000 Kilograms or more</b>  <b>Marijuana mixture or 1,000 or more marijuana plants</b></p>	<p><b>First Offense: Not less than 10 yrs. or more than life if death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$10 million if an individual, \$50 million if other than an individual.</b></p> <p><b>Second Offense: Not less than 20 yrs. or more than life. If death or serious bodily injury, life imprisonment. Fine not more than \$20 million if an individual, \$75 million other than an individual.</b></p>
<p><b>Marijuana</b>  <b>100 to 999 kilograms marijuana mixture or 100 to 999 marijuana plants</b></p>	<p><b>First Offense: Not less than 5 yrs. or more than 40 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine not more than \$5 million if an individual, \$25 million if other than an individual</b></p> <p><b>Second Offense: Not less than 10yrs. or more than life. If death or bodily injury, life imprisonment. Fine not more than \$8 million if an individual, \$50 million if other than an individual</b></p>
<p><b>Marijuana</b>  <b>50 to 99 kilograms marijuana mixture, 50 to 99 marijuana plants</b></p>	<p><b>First Offense: Not more than 20 yrs. If death or serious bodily injury, not less than 20 yrs. or more than life. Fine \$1 million if an individual, \$5 million if other than an individual.</b></p> <p><b>Second Offense: Not more than 30 yrs. if death or serious bodily injury, life imprisonment. Fine \$2 million if an individual, \$10 million if other than an individual.</b></p>
<p><b>Hashish</b>  <b>More than 10 kilograms</b></p>	
<p><b>Hashish Oil</b>  <b>More than 1 kilogram</b></p>	
<p><b>Marijuana</b>  <b>Less than 50 kilograms marijuana (but does not include 50 or more marijuana plants regardless of weight)</b>   <b>1 to 49 marijuana plants</b></p>	<p><b>First Offense: Not more than 5 yrs. Fine not more than \$250,000, if an individual, \$1 million if other than an individual.</b></p> <p><b>Second Offense: Not more than 10 yrs. Fine \$500,000 if an individual, \$2 million if other than an individual.</b></p>
<p><b>Hashish</b>  <b>10 kilograms or less</b></p>	
<p><b>Hashish Oil</b>  <b>kilogram or less</b></p>	

### **State Laws *Offenses and Penalties***

**§ 21-28-4.01 Prohibited acts A – Penalties** – (a) except as authorized by this chapter, it shall be unlawful for any person to manufacture, deliver, or possess with intent to manufacture or deliver a controlled substance.

(2) Any person who is not a drug addicted person, as defined in § 21-28-1.02(18), who violates this subsection with respect to a controlled substance classified in schedule I or II, except the substance classified as marijuana, is guilty of a crime and upon conviction may be imprisoned to a term up to life, or fined not more than five hundred thousand dollars (\$500,000) nor less than ten thousand dollars (\$10,000), or both.

(3) Where the deliverance as prohibited in this subsection shall be the proximate cause of death to the person to whom the controlled substance is delivered, it shall not be a defense that the person delivering the substance was at the time of delivery, a drug addicted person as defined in § 21-28-1.02(18).

(4) Any person, except as provided for in subdivision (2) of this subsection, who violates this subsection with respect to:

(i) A controlled substance classified in schedule I or II, is guilty of a crime and upon conviction may be imprisoned for not more than thirty (30) years, or fined not more than one hundred thousand dollars (\$100,000) nor less than three thousand dollars (\$3,000), or both;

(ii) A controlled substance classified in schedule III or IV, is guilty of a crime and upon conviction may be imprisoned for not more than twenty (20) years, or fined not more than forty thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not more than twenty thousand dollars (\$20,000), or both.

(iii) A controlled substance classified in schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one year, or fined not more than ten thousand dollars (\$10,000), or both.

(b) Except as authorized by this chapter, it is unlawful for any person to create, deliver, or possess with intent to deliver, a counterfeit substance.

(2) Any person who violates this subsection with respect to:

(i) A counterfeit substance classified in schedule I or II, is guilty of a crime and upon conviction may be imprisoned for not more than thirty (30) years, or fined not more than one hundred thousand dollars (\$100,000), or both;

(ii) A counterfeit substance classified in schedule III or IV, is guilty of a crime and upon conviction may be imprisoned for not more than twenty (20) years, or fined not more than forty thousand dollars (\$40,000), or both; provided, with respect to a controlled substance classified in schedule III(d), upon conviction may be imprisoned for not more than five (5) years, or fined not more than twenty thousand dollars (\$20,000) or both.

(iii) A counterfeit substance classified in schedule V, is guilty of a crime and upon conviction may be imprisoned for not more than one year, or fined not more than ten thousand dollars (\$10,000), or both.

(c) It shall be unlawful for any person knowingly or intentionally to possess a controlled substance, unless the substance was obtained directly from or pursuant to a valid prescription or order of a practitioner while acting in the course of his or her professional practice, or except as otherwise authorized by this chapter.

(2) Any person who violates this subsection with respect to:

A controlled substance classified in schedules I, II and III, IV, and V, except the substance classified as marijuana, is guilty of a crime and upon conviction may be imprisoned for not more than three (3) years or fined not less than five hundred dollars (\$500) nor more than five thousand dollars (\$5,000), or both;

More than one ounce (1 oz.) of a controlled substance classified in schedule I as marijuana is guilty of a misdemeanor except for those persons subject to subdivision 21-28-4.01(a)(1) and upon conviction may be imprisoned for not more than one year or fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or both.

Notwithstanding any public, special or general law to the contrary, the possession of one ounce (1 oz.) or less of marijuana by a person who is eighteen (18) years of age or older and who is not exempted from penalties pursuant to chapter 21-28.6 shall constitute a civil offense, rendering the offender liable to a civil penalty in the amount of one hundred fifty dollars (\$150) and forfeiture of the marijuana, but not to any other form of criminal or civil punishment or disqualification. Notwithstanding any public, special or general law to the contrary, this civil penalty of one hundred fifty dollars (\$150) and forfeiture of the marijuana shall apply if the offense is the first (1st) or second (2nd) violation within the previous eighteen (18) months.

(iv). Notwithstanding any public, special or general law to the contrary, possession of one ounce (1 oz.) or less of marijuana by a person who is under the age of eighteen (18) years and who is not exempted from penalties pursuant to chapter 21-28.6 shall constitute a civil offense, rendering the offender liable to a civil penalty in the amount of one hundred fifty dollars (\$150) and forfeiture of the marijuana; provided the minor offender completes an approved drug awareness program and community service as determined by the court. If the person under the age of eighteen (18) years fails to complete an approved drug awareness program and community service within one year of the offense, the penalty shall be a three hundred dollar (\$300) civil fine and forfeiture of the marijuana, except that if no drug awareness program or community service is available, the penalty shall be a fine of one hundred fifty dollars (\$150) and forfeiture of the marijuana. The parents or legal guardian of any offender under the age of eighteen (18) shall be notified of the offense and the availability of a drug awareness and community service program. The drug awareness program must be approved by the court, but shall, at a minimum, provide four (4) hours of instruction or group discussion, and ten (10) hours of community service. Notwithstanding any other public, special or general law to the contrary, this civil penalty shall apply if the offense is the first (1st) or second (2nd) violation within the previous eighteen (18) months.

(v) Notwithstanding any public, special, or general law to the contrary, a person not exempted from penalties pursuant to chapter 21-28.6 found in possession of one ounce (1 oz.) or less of marijuana is guilty of a misdemeanor and upon conviction may be imprisoned for not more than thirty (30) days or fined not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), or both, if that person has been previously adjudicated on a violation for possession of less than one ounce (1 oz.) of marijuana under subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv) two (2) times in the eighteen (18) months prior to the third (3rd) offense.

(vi) Any unpaid civil fine issued under subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv) shall double to three hundred dollars (\$300) if not paid within thirty (30) days of the offense. The civil fine shall double again to six hundred dollars (\$600) if it has not been paid within ninety (90) days.

(vii) No person may be arrested for a violation of subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv) except as provided in this subparagraph. Any person in possession of an identification card, license, or other form of identification issued by the state or any state, city or town, or any Academy or university, who fails to produce the same upon request of a police officer who informs the person that he or she has been found in possession of what appears to the officer to be one ounce (1 oz.) or less of marijuana, or any person without any such forms of identification that fails or refuses to truthfully provide his or her name, address, and date of birth to a police officer who has informed such person that the officer intends to provide such individual with a citation for possession of one ounce (1 oz.) or less of marijuana, may be arrested.

(viii) No violation of subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv) shall be considered a violation of parole or probation.

(ix) Any records collected by any state agency or tribunal that include personally identifiable information about violations of subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv) shall be sealed eighteen (18) months after the payment of said civil fine.

(3) Jurisdiction. Any and all violations of subparagraphs 21-28-4.01(c)(2)(iii) and 21-28-4.01(c)(2)(iv) shall be the exclusive jurisdiction of the Rhode Island traffic tribunal. All money associated with the civil fine issued under subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv) shall be payable to the Rhode Island traffic tribunal. Fifty percent (50%) of all fines collected by the Rhode Island traffic tribunal from civil penalties issued pursuant to subparagraphs 21-28-4.01(c)(2)(iii) or 21-28-4.01(c)(2)(iv) shall be expended on drug awareness and treatment programs for youth.

(4) Additionally, every person convicted or who pleads nolo contendere under paragraph (2)(i) of this subsection or convicted or who pleads nolo contendere a second or subsequent time under paragraph (2)(ii) of this subsection, who is not sentenced to a term of imprisonment to serve for the offense, shall be required to:

(i) Perform, up to one hundred (100) hours of community service;

(ii) Attend and complete a drug counseling and education program as prescribed by the director of the department of mental health, retardation and hospitals and pay the sum of four hundred dollars (\$400) to help defray the costs of this program which shall be deposited as general revenues. Failure to attend may result after hearing by the court in jail sentence up to one year;

(iii) The court shall not suspend any part or all of the imposition of the fee required by this subsection, unless the court finds an inability to pay;

(iv) If the offense involves the use of any automobile to transport the substance or the substance is found within an automobile, then a person convicted or who pleads nolo contendere under paragraphs (2)(i) and (ii) of this subsection shall be subject to a loss of license for a period of six (6) months for a first offense and one year for each offense after this.

(5) All fees assessed and collected pursuant to paragraph (3)(ii) of this subsection shall be deposited as general revenues and shall be collected from the person convicted or who pleads nolo contendere before any other fines authorized by this chapter.

(d) It shall be unlawful for any person to manufacture, distribute, or possess with intent to manufacture or distribute, an imitation controlled substance. Any person who violates this subsection is guilty of a crime, and upon conviction shall be subject to the same term of imprisonment and/or fine as provided by this chapter for the manufacture or distribution of the controlled substance which the particular imitation controlled substance forming the basis of the prosecution was designed to resemble and/or represented to be; but in no case shall the imprisonment be for more than five (5) years nor the fine for more than twenty thousand dollars (\$20,000).

(e) It shall be unlawful for a practitioner to prescribe, order, distribute, supply, or sell an anabolic steroid or human growth hormone for: (1) enhancing performance in an exercise, sport, or game, or (2) hormonal manipulation intended to increase muscle mass, strength, or weight without a medical necessity. Any person who violates this subsection is guilty of a misdemeanor and upon conviction may be imprisoned for not more than six (6) months or a fine of not more than one thousand dollars (\$1,000), or both.

### **The Health Risks Associated with the Use of Illicit Drugs and the Abuse of Alcohol**

The use or abuse of drugs or alcohol increases the risk of health related, behavioral and social problems.

- Acute health problems related to intoxication or overdose.

- Physical and psychological dependence.
- Heart disease or brain damage.
- Ulcers and cancer.
- Fetal alcohol syndrome, stillbirths, and birth defects.
- Violent behavior towards others.
- Impaired driving resulting in arrests, accidents, injuries and fatalities.
- Disciplinary actions at work
- Loss of employment
- Legal problems including imprisonment.

**Contact Information for Drug and Alcohol Counseling and Treatment**

There are drug and alcohol counseling, treatment and rehabilitation facilities in our area where advice and treatment are available. The telephone numbers of these facilities may be found on the web by searching Drug Abuse and Addiction Treatment, or by going to [www.findtreatment.samhsa.gov](http://www.findtreatment.samhsa.gov).

For example:

- |   |                |
|---|----------------|
| ● Drug & Alcohol Treatment Assoc. of RI | 1-401-521-5759 |
| ● Phoenix House Rhode Island            | 1-888-671-9392 |
| ● Ocean State Recovery House            | 1-866-ALC-DRUG |
| ● Narcotics Anonymous of Greater RI     | 1-866-624-3578 |

There are national organizations that can also be contacted for help. The National Hotline for Substance Abuse and Mental Health Services Administration is 1-800-662-HELP. It is available 24 hours a day. The National Alcoholism and Substance Abuse Information Center can be reached at 1-800-784-6776.

Results of the biennial review are available in the Business office.

**School Flexibility**

The TONI&GUY Hairdressing Academy reserves the right to alter or amend any portion of this policy at any time without prior notice. The Academy reserves the right to alter or modify this policy in a given situation depending on the totality of the circumstances. Time periods stated herein for the performance of any act or provision of any notice by the Academy are for guidance only and failure of the TONI&GUY Hairdressing Academy to strictly meet any time frame provided herein shall not preclude the Academy from taking any action provided herein. Under no circumstances shall failure to perform any act within the time frames herein excuse or relieve any student from his or her obligations, act to nullify any positive test, or relieve any student from the consequences of any positive test, or any other violation of this Policy.

## **TONI&GUY Hairdressing Academy Sexual Misconduct Policies & Procedures**

TONI&GUY Hairdressing Academy is committed to providing a working and educational environment for all students, faculty and staff that is free from sex discrimination, including sexual misconduct. Every member of the Academy community should be aware that the Academy is strongly opposed to sexual misconduct, and that such behavior is prohibited by state and federal laws.

As part of the Academy's commitment to providing a working and learning environment free from sexual misconduct, the Sexual Misconduct Policies & Procedures (the "Policy") shall be disseminated widely to the Academy community through publications, the Academy's website, new employee orientations, student orientations, and other appropriate channels of communication. The Academy provides training to key staff members to enable the Academy to handle any allegations of sexual misconduct promptly and effectively. The Academy will respond promptly and equitably to all reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this Policy.

### **Scope of the Policy**

This Policy governs sexual misconduct involving students that occurs on any Academy property or in connection with any Academy-sponsored program or event. Under this Policy, the Academy will assess the effects of off-campus misconduct to evaluate whether there is a hostile environment on campus. This includes a review of misconduct that did not occur in the context of an education program or activity but may have had such an impact. This Policy applies to alleged sex discrimination and harassment carried out by students, employees, and third parties conducting business with the Academy, regardless of the person's gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. The Academy encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the Academy can respond appropriately. As further described in this Policy, the Academy will seek to respect a victim's request for confidentiality to the extent possible, while remaining ever mindful of the victim's well-being.

### **Prohibited Conduct**

Sexual misconduct comprises a broad range of behaviors focused on sex that may or may not be sexual in nature. Any intercourse or other intentional sexual touching or activity without the other person's consent is sexual assault, which is a form of sexual misconduct under this Policy. Sexual harassment and sexual exploitation, stalking, domestic violence, and dating violence are also forms of sexual misconduct. Intimidation for one of these purposes is sexual misconduct, as is retaliation following an incident of alleged sexual misconduct or attempted sexual misconduct. The definitions for specific acts of sexual misconduct can be found in the Definitions of Key Terms below.

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

### **Definitions of Key Terms**

- Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment, (ii) submission to or rejection of such conduct by an individual is used as the basis for education or employment decisions affecting such individuals, or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's school or work performance or creating an intimidating, hostile, or offensive educational or working environment.
  - Hostile Environment Caused by Sexual Harassment - refers to a situation where students and/or employees are subject to unwanted sexual behavior that is so severe, persistent, or pervasive that it

alters the conditions of education, employment, or participation in a school program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, does not amount to a hostile environment caused by sexual harassment.

- Quid Pro Quo Harassment – refers to a situation where students and/or employees are subject to unwanted sexual behavior where submission or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual’s education, employment, or participation in a school program or activity.
- Sexual Assault - is any unwanted physical contact of a sexual nature that occurs either without the consent of each participant or when a participant is unable to give consent freely. Sexual assault includes Rape and Sex Offenses as defined below. Sexual assault can occur either forcibly and/or against a person’s will, or when a person is unable to give consent freely.
- 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 another person, without the consent of the victim.
- Sex Offenses - Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
  - *Fondling* - The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - *Incest* - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - *Statutory Rape* - Sexual intercourse with a person who is under the statutory age of consent.
- Domestic Violence - Violence committed (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) by any 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 in which the crime of violence occurred.
- Dating Violence - 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 shall 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. For the purpose of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- Sexual Exploitation - sexual misconduct that occurs when a person takes unjust or abusive sexual advantage of another for his or her own advantage or benefit or for the benefit or advantage of anyone other than the exploited party; and that behavior does not otherwise constitute sexual assault. Examples of sexual exploitation include, but are not limited to, videotaping or photographing of any type (web-cam, camera, Internet exposure, etc.) without knowledge and consent of all persons; prostituting another person; knowingly transmitting HIV or a sexually transmitted disease to an unknowing person or to a person who has not consented to the risk; or inducing incapacitation with the intent to commit sexual assault, without regard to whether sexual activity actually takes place.
- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress. Course of conduct

means 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. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

- Retaliation - means any adverse action, or attempted adverse action, against an individual or group of individuals because of their participation in any manner in an investigation, proceeding, or hearing under this Policy.
- Intimidation - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- Consent – Consent is a voluntary agreement to engage in sexual activity.
  - Past consent does not imply future consent.
  - Silence or an absence of resistance does not imply consent.
  - Consent to engage in sexual activity with one person does not simply consent to engage in sexual activity with another.
  - Consent can be withdrawn at any time.
  - Coercion, force, or threat of either invalidates consent.
  - Someone who is incapacitated cannot consent. Incapacitation refers to a situation in which a person is not capable of providing consent because the person lacks the ability to understand her or his decision. This situation may occur due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the student from having the capacity to give consent.
- Complainant – means the person making the allegation(s) of sexual misconduct.
- Respondent – means the person alleged to have committed sexual misconduct

### **Title IX Coordinator**

The Academy's Title IX Coordinator is responsible for monitoring and overseeing the Academy's compliance with Title IX and the prevention of sex harassment, sexual misconduct and discrimination. The Title IX Coordinator is:

- Knowledgeable and trained in Academy policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a complainant, respondent, or a third party, about Academy and community resources and reporting options;
- Available to provide assistance to any Academy employee regarding how to respond promptly and equitably to a report of Title IX-related prohibited conduct and related retaliation;
- Participates in ensuring the effective implementation of this Policy, including monitoring compliance with all procedural requirements, record keeping, and timeframes; and
- Responsible for overseeing training, prevention, and education efforts and annual reviews of climate and culture.

Inquiries or concerns about Title IX may be referred to the Academy's Title IX Coordinator:

Alyson Campbell  
1400 Oaklawn Ave.  
Cranston, RI 02920  
Phone: (401) 463-3633  
Email: [acampbell@tg-ne.com](mailto:acampbell@tg-ne.com)

## **Sexual Assault Education and Prevention Programs**

The Academy engages in comprehensive educational programming to prevent sexual misconduct. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

- a. Identifies domestic sexual misconduct as prohibited conduct;
- b. Defines what behavior constitutes sexual misconduct;
- c. Defines what behavior and actions constitute consent to sexual activity;
- d. 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 sexual misconduct against a person other than the bystander;
- e. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks;
- f. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.
- g. The Academy has developed an annual education campaign consisting of presentations that include distribution of educational materials to new students at orientation sessions. In addition, new employees and faculty receive information and materials during initial employment.

## **Reporting Incidents of Sexual Misconduct**

The Academy has procedures in place that serve to be sensitive to those who report sexual misconduct, including informing individuals about their right to file criminal charges as well as the availability of medical, counseling, and support services, and additional remedies to prevent contact between a complainant (also known as victim) and an accused party, such as academic, transportation, and working accommodations, if reasonably available. To file a complaint, students and employees should contact the Title IX coordinator at the school. The Title IX coordinator will provide written notification to victims about options available.

## **Reporting Options / Procedures**

TONI&GUY Hairdressing Academy strongly encourages all members of the Academy community to report information about any incident of sexual misconduct as soon as possible, whether the incident occurred on or off campus. Reports can be made either to the Academy and/or to law enforcement.

## **Reporting to the Academy**

An incident of sexual misconduct may be reported directly to the Academy's Title IX Coordinator. If the Academy's Title IX Coordinator is the alleged perpetrator of the sexual misconduct, the report should be submitted to the Academy's Business Manager. Filing a report with an Academy official will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from police officers.

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

The Academy will respond to all reports in a manner that treats each individual with dignity and respect and will take prompt steps to prevent recurrence of any sex discrimination or harassment found to have occurred, and to correct its discriminatory effects on the complainant and others, if appropriate.

## **Reporting to Law Enforcement**

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

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

### **Evidence Preservation**

After an incident of sexual assault and domestic violence, the victim should consider seeking medical attention as soon as possible. Local emergency rooms may provide physical evidence recovery and access to Forensic Nurse Practitioners and Sexual Assault Nurse Practitioners. In Rhode Island, evidence may be collected even if you chose not to make a report to law enforcement. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen where they were assaulted if the offense occurred within the past 96 hours so that evidence necessary to prove criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease. Victims of sexual misconduct are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to Academy hearing boards, investigators, or police. Although the Academy strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victims' choice whether or not to make such a report and victims have the right to decline involvement with the police. The Title IX coordinator will assist any victim with notifying local police if they so desire.

### **Coordination with Drug Free School Policy**

The Academy encourages students to report all instances of sexual misconduct. The Academy will take into consideration the importance of reporting sexual misconduct in addressing violations of the Academy's alcohol and drug policies. An individual who participates as a complainant or witness in an investigation of sexual misconduct will not be subject to disciplinary sanctions for a violation of the Academy's student conduct policies at or near the time of the incident, unless the Academy determines that the violation was egregious, including, but not limited to, an action that places the health or safety of any other person at risk or involves plagiarism, cheating, or academic dishonesty.

### **Assistance for Victims: Rights & Options**

Sexual Harassment is a violation of Section 703 of Title VII of the Civil Rights Act of 1964 as amended in 1972, (42 U.S.C s2000e, et, Sequa). This is punishable under both federal and state laws.

Regardless of whether a victim elects to pursue a criminal complaint, the Academy will assist victims of sexual assault, domestic violence, dating violence and stalking. The Academy will provide each victim with a written explanation of their rights. In Rhode Island, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

### **Victim's Bill of Rights**

- (a) Each victim of a criminal offense who makes a timely report of the crime and who cooperates with law enforcement authorities in the investigation and prosecution of the offense shall have the following rights:
- (1) To be notified no less frequently than every three (3) months by law enforcement authorities of the status of the investigation, until the time that the alleged perpetrator is apprehended or the investigation closed. In the case of a criminal offense that results in the victim's death, the law enforcement authorities shall provide notification to a designated family member of the victim;
  - (2) To be notified by law enforcement authorities of the arraignment of the alleged perpetrator before a court empowered to set bail; and to be informed of the release of the alleged perpetrator on bail or personal recognizance;
  - (3) To receive protection from harm and threats of harm arising out of the victim's cooperation with law enforcement and prosecution efforts, and to be provided with information as to the

means of protection available;

- (4) To be notified of all court proceedings at which the victim's presence is required in a reasonable amount of time prior to the proceeding, and to be notified of the cancellation of any scheduled court proceeding in sufficient time to prevent an unnecessary appearance at the courthouse;
- (5) To be provided, whenever feasible, with a secure waiting area during court proceedings that does not require the victim to be in close proximity to the defendant and the family and friends of the defendant;
- (6) To be informed of the procedure to be followed in order to apply for and receive any witness fee to which the victim is entitled;
- (7) To be provided with appropriate employer intercession services to ensure that the employer of the victim will cooperate with the criminal justice process in order to minimize the employee's loss of pay and other benefits resulting from court appearances;
- (8) To have any stolen or other personal property expeditiously returned by law enforcement agencies when no longer needed as evidence;
- (9) To be informed of financial assistance and other social services available to crime victims and the manner of applying for them. All eligible victims shall be informed of the existence of the criminal injuries compensation fund and the manner of applying for it;
- (10) To be consulted by the administrator of probation and parole in the course of his or her preparation of the presentence report on felony cases and to have included in that report a statement regarding the impact which the defendant's criminal conduct has had upon the victim;
- (11) To be afforded the right to address the court prior to sentencing in those cases where the defendant has been adjudicated guilty following a trial;
- (12) To be informed of the disposition of the case against the alleged offender;
- (13) To be notified in felony cases whenever the defendant or perpetrator is released from custody at the adult correctional institutions. When release is ordered prior to final conviction, it shall be the responsibility of the governmental entity having final responsibility for the defendant's supervised custody to give notice to the victim. When release is granted by parole, the notice to the victim shall be given by the parole board. In all other cases when release is granted, the notice to the victim shall be given by the department of corrections. Victims who wish to be notified by the department of corrections shall register their names and the addresses they wish the notices to be sent with the department of corrections. Department of corrections notification shall also include furlough, transfer out of state, escape and death;
- (14) To be afforded the opportunity to make a statement, in writing and signed, regarding the impact which the defendant's criminal conduct had upon the victim. The statement shall be inserted into the case file maintained by the attorney general or prosecutor and shall be presented to the court for its review prior to the acceptance of any plea negotiation. The statement shall be submitted to the parole board for inclusion in its records regarding the defendant's conduct against the victim; and
- (15) To be informed by the prosecuting officer of the right to request that restitution be an element of the final disposition of a case.

(b) The rights afforded to the victim of a crime by this section shall be afforded as well to the immediate families of homicide victims.

(c) Unless otherwise specified, in felony cases it shall be the responsibility of the attorney general and the victims' services unit as described in § 12-28-9 to make certain that the victim receives the notification that is required by this section. In misdemeanor cases, it shall be the responsibility of the law enforcement agency making the arrest and of the victims' service unit as described in § 12-28-9 to make certain that the victim receives the notification that is required by this section.

(from <http://webserver.rilin.state.ri.us/Statutes/Title12/12-28/12-28-3.HTM>)

### **Support Services Available**

Counseling, advocacy and support services are available for victims of sexual misconduct, whether or not a victim chooses to make an official report or participate in the Academy's disciplinary or criminal process. *TONI & GUY Hairdressing Academy does not provide counseling or health care services. Personal counseling offered by the Academy will be limited to initial crisis assessment and referral.*

You may need the services of an appropriate agency in the community for counseling or other services.

Some examples are:

- Sexual Assault Trauma Resource Center 1-401-421-4100
- RAINN Center (National) 1-800-656-HOPE
- Women’s Center of Rhode Island 1-401-861-2760

The Academy’s Title IX Coordinator will work with all students affected by sexual misconduct to ensure their safety and support their well-being. This assistance may include providing accommodations to support or protect a student after an incident of sexual misconduct and while an investigation or disciplinary proceeding is pending. Such accommodations may include the ability to alter class schedules, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring). The Academy may be able to provide additional interim measures to victims while an investigation is pending, such as no contact orders. Interim measures will be individualized and appropriate based on the information gathered by the Title IX Coordinator, making every effort to avoid depriving any student of his or her education. The measures needed by each student may change over time, and the Title IX Coordinator will communicate with each student throughout the investigation to ensure that any interim measures are necessary and effective based on the students’ evolving needs. Students who report an incident of sexual misconduct may also be able to obtain a formal protection order from a civil or criminal court. The Academy will work with the student and the applicable court to assist in the enforcement of any such protective orders.

### **Anti-Retaliation**

TONI&GUY Hairdressing Academy will not retaliate or allow retaliation against any person for filing a good-faith complaint alleging sexual assault or acts of discrimination: or for participating or assisting in good faith in an investigation under this policy. An employee or student who retaliates will be subject to disciplinary action, up to and including termination from TONI&GUY Hairdressing Academy. Any student or employee who feels that he or she has been subject to retaliation in violation of this policy should report the matter immediately to the Title IX Coordinator.

### **Personal Protection Order Compliance**

Further, TONI&GUY Hairdressing Academy complies with Rhode Island Law in recognizing Personal Protection Orders. Any person who obtains a Personal Protection Order from Rhode Island or any reciprocal state should provide a copy to the Title IX Coordinator. A complainant may then meet with the Title IX Coordinator to develop a safety action plan, which is a plan for the victim to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location or other academic arrangements. Personal Protection Orders may be available through the local circuit court.

To the extent of the victims’ cooperation and consent, Academy offices will work cooperatively to provide reasonable assistance so that the complainant’s health, physical safety, work and academic status are protected, pending the outcome of a formal Academy investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic or working situations in addition to counseling, health services, and assistance in notifying local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant.

### **Academy Policy on Confidentiality**

The Academy encourages victims of sexual misconduct to talk to somebody about what happened – so victims can get the support they need, and so the Academy can respond appropriately.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual misconduct. The Academy encourages victims to talk to someone identified in one or more of these groups.

## **Privileged and Confidential Communications – Professional & Pastoral Counselors**

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim's permission. *The Academy does not provide professional or pastoral counseling, but can assist a victim of sexual misconduct in obtaining support services from these groups or agencies.* Contact information for these support organizations is listed in Section 5 of this Policy.

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

**NOTE:** While these professional and pastoral counselors and advocates may maintain a victim's confidentiality vis-à-vis the Academy, they may have reporting or other obligations under state law.

**ALSO NOTE:** If the Academy determines that the alleged perpetrator(s) pose a serious and immediate threat to the Academy community, the Campus Director may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

## **Reporting to “Responsible Employees”**

A “responsible employee” is an Academy employee who has the authority to redress sexual misconduct, who has the duty to report incidents of sexual misconduct or other student misconduct, or who a student could reasonably believe has this authority or duty.

When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the Academy to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX Coordinator all relevant details about the alleged sexual violence shared by the victim and that the Academy will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the Academy's response to the report. A responsible employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

The Academy's responsible employees include any Academy employee that a student can reasonably believe has the authority or duty to redress and/or report incidents of sexual misconduct, including, but not limited to: Instructors, Academy Director, Admissions Representative, Financial Aid Coordinator, Business Manager, and Regional Director.

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the Academy will consider the request, but cannot guarantee that the Academy will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim's request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the Academy to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

### **Reporting to Title IX Coordinator**

When a victim tells the Title IX Coordinator about an incident of sexual misconduct, the victim has the right to expect the Academy to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

To the extent possible, information reported to the Title IX Coordinator will be shared only with people responsible for handling the Academy's response to the report. The Title IX Coordinator should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

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

The Title IX Coordinator will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the Academy to fully investigate an incident. By the same token, the Title IX Coordinator will not pressure a victim to make a full report if the victim is not ready to.

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

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

If the Academy honors the request for confidentiality, a victim must understand that the Academy's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when the Academy may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students.

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

- The increased risk that the alleged perpetrator will commit additional acts of sexual misconduct or other violence, such as:
  - whether there have been other sexual misconduct complaints about the same alleged perpetrator;
  - whether the alleged perpetrator has a history of arrests or records from a prior Academy indicating a history of violence;
  - whether the alleged perpetrator threatened further sexual misconduct or other violence against the victim or others;
  - whether the sexual misconduct was committed by multiple perpetrators;
- Whether the sexual misconduct was perpetrated with a weapon;
- Whether the victim is a minor;
- Whether the Academy possesses other means to obtain relevant evidence of the sexual misconduct

- (e.g., security cameras or personnel, physical evidence);
- Whether the victim’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the Academy to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the Academy will likely respect the victim’s request for confidentiality.

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

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

The Academy may not require a victim to participate in any investigation or disciplinary proceeding.

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

**If the Academy determines that it can respect a victim’s request for confidentiality,** the Academy will also take immediate action as necessary to protect and assist the victim. A victim’s request for confidentiality will likely limit the Academy’s ability to investigate a particular matter. The Academy may take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the student complainant. Examples include: providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; revising and publicizing the Academy’s policies on sexual misconduct; and conducting climate surveys regarding sexual misconduct.

## **Miscellaneous**

**Take Back the Night and other public awareness events.** Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students disclose incidents of sexual violence, are not considered notice to the Academy of sexual misconduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts.

**Off-campus Counselors and Advocates.** Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the Academy unless the victim requests the disclosure and signs a consent or waiver form. Contact information for these off-campus resources can be found in Section 5 of this Policy

## **Investigation & Adjudication Procedures and Protocols**

The Academy's Title IX Coordinator oversees the Academy's investigation, response to, and resolution of all reports of prohibited sexual misconduct, and of related retaliation, involving students, faculty, and staff.

As soon as practicable after receiving a report, the Title IX Coordinator will make an initial assessment of the report to determine whether the report, on its face, alleges an act prohibited by this Policy. If the Title IX Coordinator determines the report states facts which, if true, could constitute a violation of this Policy, the Title IX Coordinator will assess whether the complaint should proceed through the voluntary resolution process or formal investigation process (see below). The Title IX Coordinator will communicate the determination regarding the initial assessment in writing to the complainant. If the Title IX Coordinator determines the complainant's report does not state facts that, if true, could constitute a violation of the Policy, the complainant may still file a report with the federal Office for Civil Rights, the police, or seek available civil remedies through the judicial system. The complainant may also re-file the report with the Academy upon discovery of additional facts.

### **Notice**

After the initial assessment, if the Title IX Coordinator determines that the complaint may appropriately be resolved through voluntary resolution, the Title IX Coordinator will ask the complainant and respondent, separately, whether they would agree to pursue resolution of the complaint informally. If either party does not agree to pursue voluntary resolution, or if the complainant, respondent, or Academy, at any time, determines that voluntary resolution is not or no longer appropriate, the Title IX Coordinator will promptly inform the complainant and respondent in writing that the complaint will proceed through formal investigation.

After the initial assessment, the Title IX Coordinator may determine the complaint must proceed through formal investigation. The Title IX Coordinator will notify the complainant and respondent with written notice of the formal investigation, including the allegation(s). The complainant and respondent will be given the opportunity to meet separately with the Title IX Coordinator to review the Policy.

### **Voluntary Resolution**

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

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

Voluntary resolution may also include restorative principles that are designed to allow a respondent to accept responsibility for misconduct and acknowledge harm to the complainant or to the Academy community. Restorative models will be used only with the consent of both parties, and following a determination by the Title IX Coordinator that the matter is appropriate for a restorative approach.

The Academy will not compel parties to engage in mediation or to participate in any particular form of informal resolution. As the title implies, participation in voluntary resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation and adjudication at any time, including if voluntary resolution is unsuccessful at resolving the report.

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

### **Formal Investigation Process**

The Title IX Coordinator will designate a specially trained investigator (or team of investigators) to interview the complainant, respondent and any witnesses. The investigator will also gather pertinent documentary materials (if any) and other information.

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

The investigator will interview the complainant, respondent and any witnesses. They will also gather pertinent documentary materials (if any) and other information.

### **Time Frame for Investigation**

Consistent with the goal to maximize educational opportunities and minimize the disruptive nature of the investigation and resolution, the Title IX Coordinator seeks to resolve all reports in a timely manner. In general, an investigation may last up to 30 days, from the date that written notice of the investigation was sent to the complainant and respondent. Adjudication through the hearing panel (see below), if applicable, will generally take up to 30 days from the date the investigative report is provided to both the complainant and the respondent. The Title IX Coordinator may set reasonable time frames for required actions under the Policy. Those time frames may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, accommodate delays by the parties, account for Academy breaks or vacations, or address other legitimate reasons, including the complexity of the investigation (including the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged conduct. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Where necessary, the Academy will take immediate steps to protect complainants pending the final outcome of an investigation, including academic accommodations and other interim measures. These steps may include the ability to change class schedules; withdraw from/retake a class without penalty; access academic support such as tutoring; and no contact orders. Interim measures will be individualized and appropriate based on the information gathered by the Title IX Coordinator, making every effort to avoid depriving any student of his or her education. The measures needed by each student may change over time, and the Title IX Coordinator will communicate with each student throughout the investigation to ensure that any interim measures are necessary and effective based on the students' evolving needs.

### **Investigation Report**

The investigator will prepare a report that includes a statement of the allegations and issues, the positions of the complainant and respondent, a summary of the evidence (including from interviews and documentation gathered), an explanation why any proffered evidence was not investigated, assessment of individual credibility, and findings of fact and an analysis of whether a violation of the Policy has occurred. The investigator will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that the investigator must be convinced based on the information it considers that the respondent was more likely than not to have engaged in the conduct at issue in order to find the respondent responsible for violating the Policy. The complainant and respondent will be simultaneously notified of the completion of the investigation and provided with the investigator's report.

Upon receipt of the investigative report, the complainant and respondent shall each have the opportunity to

request a hearing be conducted pursuant to the procedures set forth in Section 10, below. If neither party requests a hearing within 10 calendar days from their receipt of the investigative report, then the recommended findings of responsibility set forth in the investigative report shall be final. The Title IX Coordinator shall rely on the recommended findings of responsibility in the investigative report for purposes of imposing sanctions.

### **Hearing Panel**

If requested by either complainant or respondent following the distribution of the investigative report, the Academy will convene a hearing panel following the end of the investigation. The hearing panel determines whether the respondent is responsible or not responsible for a violation of the Policy. If the respondent is determined to be responsible, the matter proceeds to the sanctions stage.

The hearing panel will consist of three members who will be individuals associated with the Academy. The hearing panel may include the Title IX Coordinator unless the Title IX Coordinator was designated as the investigator of the complaint. The hearing panel members may include administrators, officers, lawyers or other individuals with relevant experience and special training. Panel members may participate remotely so long as the hearing room is equipped with telephone equipment that allows the panel member to hear all the participants and to be heard by all the participants throughout the hearing proceedings. All panelists will receive training from experts in the field at least once a year. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual misconduct. The complainant and respondent will be informed of the panel's membership before the hearing process begins. A complainant and/or respondent may challenge the participation of a panel member because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made to the Title IX Coordinator, or the Academy Director if the challenge is against the Title IX Coordinator, at least 48 hours prior to the commencement of the hearing. At its discretion, the Title IX Coordinator, or the Director if applicable, will determine whether such a conflict of interest exists and whether a panel member should be replaced. Postponement of a hearing may occur if a replacement panelist cannot be immediately identified.

### **Advisors**

Both the complainant and the respondent are entitled to be accompanied to any meeting or proceeding relating to the allegation of sexual misconduct by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the unreasonable postponement or delay of such meeting as scheduled.

### **Written Submissions**

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

### **Hearing Procedures**

The Title IX Coordinator will, whenever possible, give the complainant and respondent at least five days' advance notice of the hearing. Both the complainant and the respondent shall be provided with an opportunity to review any information gathered by the investigator during the investigation process prior to the hearing. The names and other identifying information of other students will be redacted from such materials in accordance with the Family Educational Rights and Privacy Act (FERPA), except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination. The Title IX Coordinator may arrange to hold the hearing at an off-campus location. The hearing is a closed proceeding, meaning that no one other than the panel members, the complainant and respondent, their respective advisors, witnesses (when called), and necessary Academy personnel may be present during the proceeding. The Academy Director will work with Academy staff so that any student whose presence is required may participate in the hearing.

In general, hearings will proceed as follows:

- The Title IX Coordinator may set reasonable time limits for any part of the hearing. Each of the complainant and respondent will have the opportunity to present witnesses and other information consistent with the Policy. The panel may determine the relevance of, place restrictions on, or exclude any witnesses or information. When the complainant and respondent are not able to be present for the hearing panel, arrangements will be made for participation via alternate means. The panel will ensure an adequate, reliable, and impartial investigation of the complaint.
- In cases where either the complainant or respondent opts not to participate in the hearing, the panel may still hear from the other.
- Additional hearing rules include:
  - Questioning. Only the panel may ask questions of the complainant and respondent and any witnesses. Both the complainant and respondent will have the opportunity to suggest questions of the other and of witnesses by submitting suggested questions to the panel in writing. The panel may revise or not ask any submitted questions that it deems are inappropriate or irrelevant to the proceedings. The hearing panel will inform the party that submits an inappropriate or irrelevant question of the reason(s) why the question was revised or not asked.
  - Information Regarding Romantic or Sexual History. The panel will not consider the romantic or sexual history of either the complainant or respondent in cases involving allegations of sexual misconduct, except for testimony offered by one or the other about the complainant's and respondent's shared sexual history that the panel deems relevant. If such information is offered by the complainant or respondent, the other has the right to respond. The existence of a prior consensual dating or sexual relationship between the complainant and respondent by itself does not support an inference of consent to alleged sexual misconduct.
  - Prior Conduct Violations. The hearing panel will not consider the respondent's prior conduct violations, unless the investigator provided that information to the hearing panel because the respondent was previously found to be responsible, and the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.

The Academy will keep an audio recording of the hearing for the use of the panel, for sanctioning, and for purposes of appeal. Cell phones and recording devices may not be used in the hearing room(s) unless approved by the panel in advance.

### **Panel Determinations/Standard of Proof**

The panel will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that a panel must be convinced based on the information it considers that the respondent was more likely than not to have engaged in the conduct at issue in order to find the respondent responsible for violating the Policy. The panel will find a student responsible, or not responsible, based on a majority vote. The panel will generally render a decision within 10 days after the conclusion of a hearing. The panel's decision will include an explanation of the basis for the decision. If the panel finds the respondent responsible, the matter will proceed to the sanctions stage.

The parties will be informed of the results of the adjudication hearing by simultaneous written notice to both parties of the outcome of the complaint. As set forth below, both parties shall have the option to appeal the hearing panel's determination.

### **Sanctions and Other Remedies**

The Title IX Coordinator shall be responsible for imposing sanctions that are:

- Fair and appropriate given the facts of the particular case;
- Consistent with the Academy's handling of similar cases;
- Adequate to protect the safety of the campus community; and
- Reflective of the seriousness of sexual misconduct.

The Title IX Coordinator will consider relevant factors, including if applicable: (1) the specific sexual misconduct at issue (such as penetration, touching under clothing, touching over clothing, unauthorized recording, etc.); (2) the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the complainant; (5) the respondent's prior disciplinary history; (6) the safety of the Academy community; and (7) the respondent's conduct during the disciplinary process.

The Title IX Coordinator will render a sanctioning decision within five days following the receipt of the panel's determination. The sanctioning decision will be communicated in writing to the complainant and the respondent.

The Academy may impose any one or more of the following sanctions on a student determined to have violated the Policy:

- Reprimand/warning
- Changing the respondent's academic schedule
- Disciplinary probation
- Restricting access to Academy facilities or activities
- Community service
- Issuing a "no contact" order to the respondent or requiring that such an order remain in place
- Dismissal or restriction from Academy employment
- Suspension (limited time or indefinite)
- Expulsion

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

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

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

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

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

### **Appeals**

Either the respondent or the complainant or both may appeal the determination of the hearing panel and/or the sanctions. Appeals are decided by the Director of TONI&GUY Hairdressing Academy. The three grounds for appeal are:

1. A procedural error affecting the determination or sanction;

2. New information that was not available at the time of the investigation or hearing and that may change the determination or sanction; and
3. Excessiveness or insufficiency of the sanction.

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

The appealing student must submit the appeal in writing to the Director within five business days after receiving the sanctioning notice. If either the complainant or respondent submits an appeal, the Title IX Coordinator will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing student may submit a written response within five business days after notice of an appeal.

If the Director concludes that a change in the hearing panel's determination is warranted based on the three grounds for appeal described above, the Director may enter a revised determination, reconvene the panel to reconsider the determination, or return the matter for additional investigation. After consultation with the Title IX Coordinator, the Director may also change the sanction. If both the complainant and respondent appeal, the appeals will be considered concurrently.

The Director will notify the complainant and respondent of the final decision in writing. Appeals decisions will be rendered within 15 days after the receipt of the written appeal. All appeal decisions are final.

### **Records Disclosure**

Disciplinary proceedings conducted by the Academy are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the Academy without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances.

Any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct, or required to be produced through other compulsory legal process.

Additional information about FERPA can be found on the Academy's website at:  
[www.rhodeisland.toniguy.edu](http://www.rhodeisland.toniguy.edu).

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

### **Amendments**

The Academy may amend the Policy or the Procedures from time to time. Nothing in the Policy or Procedures shall affect the inherent authority of the Academy to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the Academy community.

## Appendix A

### Definitions of Sexual Misconduct under Rhode Island Law

In Rhode Island, consent as it relates to sexual assaults is evaluated on several factors. Victims cannot give consent if: Victim under 16; victim incapacity (victim is mentally incapable— a mental disease or defect makes the victim incapable of understanding the nature of his/her conduct); mentally incapacitated—(victim is temporarily incapable of appraising or controlling his/her conduct due to the influence of a narcotic, anesthetic or other substance administered without consent or due to any other act committed upon the victim without consent); and/or physically helpless (victim is unconscious, asleep, or for any other reason physically unable to communicate unwillingness to act); assailant uses force or coercion.

In Rhode Island, Criminal Sexual Assaults are defined as: sexual penetration or sexual contact with a person without their consent, or with someone who is incapable of giving consent.

Rape: The carnal knowledge of a person, forcibly and/or against the person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

In Rhode Island, Domestic Violence means the occurrence of any of the following acts by a person that is not an act of self-defense: Causing or attempting to cause physical or mental harm to a family or household member, placing a family or household member in fear of physical or mental harm, causing or attempting to cause a family or household member to engage in involuntary sexual activity by force, threat of force, or duress, engaging in activity **toward a family or** household member that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested. Family or household member includes any of the following: spouse or former spouse, an individual with whom the person resides or has resided, an individual with whom the person has or has had a dating relationship, an individual with whom the person is or has engaged in a sexual relationship, an individual to whom the person is related or was formerly related by marriage, an individual with whom the person has a child in common.

In Rhode Island, Dating Violence is violence when a person is in a dating relationship with someone. Dating relationship means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

In Rhode Island, Stalking means a willful course of conduct involving repeated or continuing harassment of another individual that would cause a reasonable person to feel terrorized, frightened, intimidated, threatened, harassed, or molested and that actually causes the victim to feel terrorized, frightened, intimidated, threatened, harassed, or molested.

## Appendix B

### Bystander Intervention & Risk Reduction

The Academy's primary prevention and awareness program includes a description of safe and positive options for bystander intervention. Active bystanders take the initiative to help someone who may be targeted for a sexual assault. They do this in ways that are intended to avoid verbal or physical conflict. Active bystanders also take the initiative to help friends, who are not thinking clearly, from becoming offenders of crime. Intervention does not mean that you directly intervene to stop a crime in progress; rather, these steps are "early intervention" – before a crime begins to occur. There are three important components to consider before taking action that we refer to as the ABCs:

- **Assess for safety.** Ensure that all parties are safe, and whether the situation requires calling authorities. When deciding to intervene, your personal safety should be the #1 priority. When in doubt, call for help.
- **Be with others.** If it is safe to intervene, you are likely to have a greater influence on the parties involved when you work together with someone or several people. Your safety is increased when you stay with a group of friends that you know well.
- **Care for the person.** Ask if the target of the unwanted sexual advance/attention/behavior is okay – does he or she need medical care? Ask if someone they trust can help them get safely home.

*Information on Bystander Intervention was provided by the Department of Defense Sexual Assault Prevention and Response Office from: [www.sapr.mil](http://www.sapr.mil)*

The Academy's primary prevention and awareness program includes information on risk reduction. This includes:

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

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cash money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

*Safety Planning.* Things to think about:

- How to get away if there is an emergency? Be conscious of exits or other escape routes. Think about options for transportation (car, bus, subway, etc.).
- Who can help? Friends and/or family, or support centers in your area. Please see Section 4 of this Policy for a list of support organizations.
- Where to go? Options may include a friend's house or relative's house, or you may consider going to a domestic violence or homeless shelter. You may also go to the police. **Important Safety Note:** If the dangerous situation involves a partner, go to the police or a shelter first.
- What to bring? This may include important papers and documents such birth certificate, social security card, license, passport, medical records, lease, bills, etc. This will also include house keys, car keys, cash, credit cards, medicine, important numbers, and your cell phone. If you are bringing children with you, remember to bring their important papers and legal documents. You can keep all of these things in an emergency bag. You should hide the bag—it is best if it is not in your house or car. If the bag is discovered, you can call it a "tornado" or "fire" bag.

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

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

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

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

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