



COLLEGE SAFETY & TITLE IX TRAINING

KEEPING OUR COLLEGE ENVIRONMENT SAFE AND INCLUSIVE

PROVIDING A SAFE AND
RESPECTFUL LEARNING
ENVIRONMENT IS
IMPERATIVE TO
ACHIEVING OUR
MISSION AND VISION.

AGENDA

- TITLE IX
- CLERY ACT
- VAWA
- DEFINING SEXUAL MISCONDUCT
- TRAINING
- EDUCATION-SUPPORT SERVICES
- GRIEVANCE PROCESS

FEDERAL SAFETY & SECURITY REGULATIONS

① Title IX

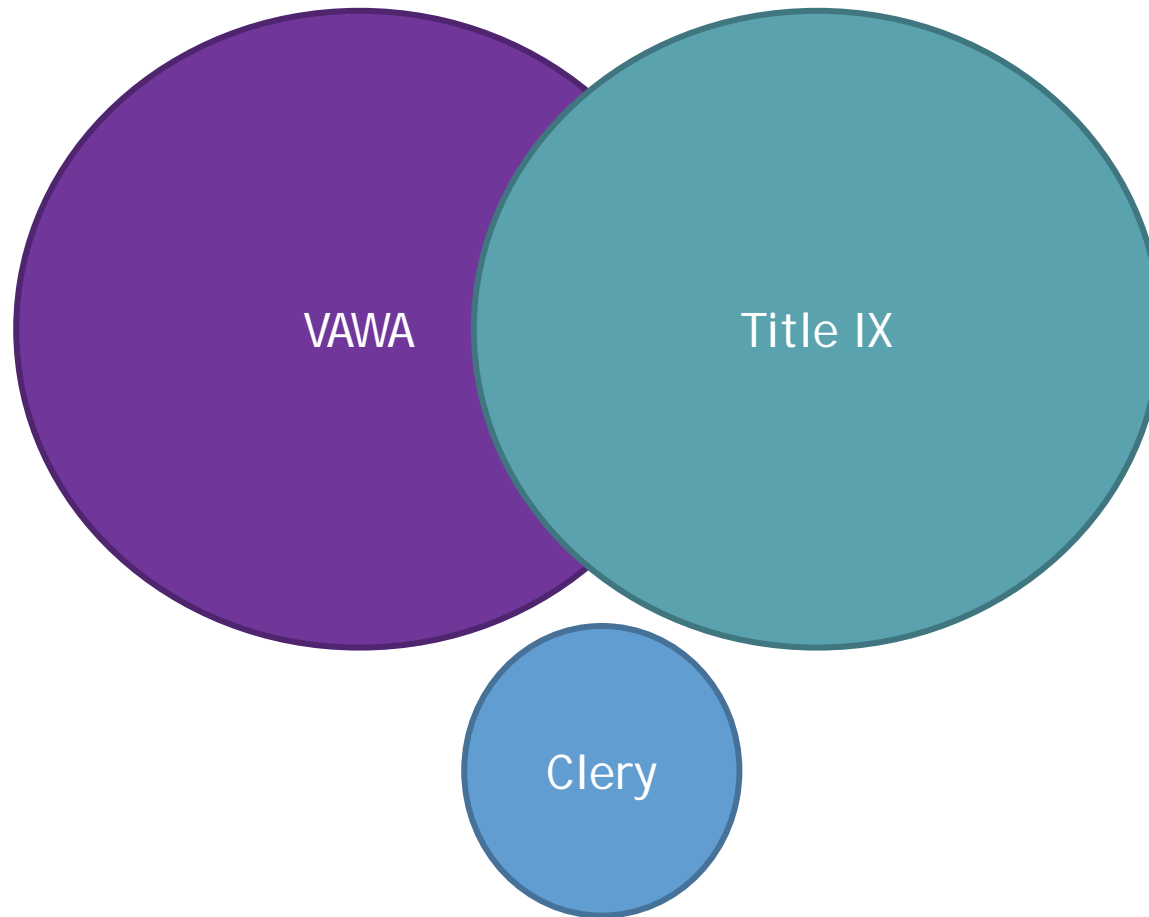
- Title IX protects people from discrimination based on sex in education programs or activities

② Clery Act

- Requires reporting of crime statistics, description of the schools prevention and awareness programs for new and current students and team members.

③ Violence Against Women Act (VAWA)

- Requires additional reporting and training aimed at preventing sexual violence towards women



Title IX

- “NO PERSON IN THE US SHALL, ON THE BASIS OF SEX, BE EXCLUDED FROM PARTICIPATION IN, BE DENIED THE BENEFITS OF, OR BE SUBJECTED TO DISCRIMINATION UNDER ANY EDUCATIONAL PROGRAM OR ACTIVITY RECEIVING FEDERAL FINANCIAL ASSISTANCE”
 - 20 u.s.c. &1681

DISCRIMINATION “ON THE BASIS OF SEX”

- Includes: Sexual Harassment
 - Conduct on the basis of sex that includes one or more of the following:
 - *Hostile Environment*
 - *Sexual Assault AND VAWA crimes*
 - *Quid Pro Quo*

WHEN MUST OUR SCHOOL RESPOND UNDER TITLE IX

- When the school has actual knowledge of:
 - *Sexual Harassment*
 - *In an education program or activity of the school*
 - *Against a person in the United States*

WHEN MUST OUR SCHOOL RESPOND UNDER TITLE IX

- Actual Knowledge
 - *Notice of sexual harassment or allegations of sexual harassment to the Title IX Coordinator or an **official who has authority** to institute corrective measures on behalf of the school.*
 - *Notice includes, but is not limited, to a report of sexual harassment to the Title IX Coordinator*

WHEN MUST OUR SCHOOL RESPOND UNDER TITLE IX

- Actual Knowledge (continued)
 - *The following does NOT qualify an individual as having the authority to institute corrective measures:*
 - *The mere ability or obligation to report sexual harassment*
 - *Ability or obligation to inform a student about how to report*
 - *Being trained in how to report*

WHEN MUST OUR SCHOOL RESPOND UNDER TITLE IX

- Education program or activity
 - *Locations, events, or circumstances over which the school (recipient) exercised substantial control over both the respondent and the context in which the sexual harassment occurred:*
 - *Including all incidents of sexual harassment that happened “on-campus”*
 - *On-campus: all areas covered by our lease*
 - *Off-campus: all areas immediately surrounding on-campus areas that MUST be used in order to access our school (ie parking spaces, sidewalks, alleyway)*

HOW MUST OUR SCHOOL RESPOND UNDER TITLE IX

Must respond in a timely manner that is not deliberately indifferent.

Deliberately indifferent: means that the response is clearly unreasonable in light of the known circumstances/report/accusation.

-Must follow the regulatory process outlined for a grievance of sexual harassment; that are fair and equitable to the complainant and respondent

CLERY ACT

- To ensure that students know about campus crimes, the Clery Act requires institutions to gather and disclose campus crime statistics and security information.
- Many crimes and incidents, especially sexual assaults, are not reported to the police.
- This includes reports from a “[Campus Security Authority](#)”
 - Anyone with significant contact with students, so it includes our GSC's, Admissions Officers, Educators and Directors.

CLERY ACT CRIMES

1. Murder & Non-Negligent Manslaughter
2. Manslaughter by Negligence
3. Sexual Assault: Rape, Fondling, Incest, Statutory Rape
4. Robbery
5. Aggravated Assault
6. Burglary
7. Motor-Vehicle Theft
8. Arson
9. Domestic Violence
10. Dating Violence
11. Stalking
12. Liquor-Law Violation
13. Drug-Law Violation
14. Weapons-Law Violation
15. Larceny
16. Vandalism
17. Intimidation
18. Hate-Crimes: motivated by the offenders bias (ie disability, ethnicity, gender, race, religion, sexual orientation and/or national origin bias)

CLERY ACT: REQUIREMENTS

1. Every time there's a known Clery crime or incident, we need to document it on our [Crime Report Form](#)
2. Each year, we submit the statistics from these forms and our local police department report.
3. We then receive a "Campus Crime Report"
(Which is also available online and from links on our website)
4. The Campus Crime Report is posted in our campuses
5. All prospective students are shown this report and sign off they have seen it during orientation *(We must be able to [document](#) that the students saw this [PRIOR](#) to enrollment)*
6. Each year, all employees and all students are given information about the new crime report and sign off on a form indicating they are aware of the information, [by October 1st of each year.](#)

VAWA & SAVE ACT REQUIREMENTS

- EXTENDS CLERY CRIMES TO INCLUDE VAWA CRIMES: DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING,
- ADOPT CERTAIN STUDENT DISCIPLINE PROCEDURES, FOR ADDRESSING SEXUAL MISCONDUCT
- ADOPT CERTAIN INSTITUTIONAL POLICIES TO ADDRESS AND PREVENT CAMPUS SEXUAL VIOLENCE, SUCH AS TRAINING FOR INSTITUTIONAL PERSONNEL, AND EDUCATIONAL/SUPPORT SERVICES FOR STUDENTS.

WHAT IS DOMESTIC VIOLENCE?

Domestic Violence: violent or aggressive behavior within the home, typically involving the violent abuse of a spouse or partner

- Typically used to gain or maintain power or control
- Can be physical, sexual, emotional, economic or psychological - includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure or wound someone
- Can happen to anyone regardless of race, age, sexual orientation, religion, or gender. Domestic violence affects people of all socioeconomic backgrounds and education levels. Domestic violence occurs in both opposite-sex and same-sex relationships and can happen to intimate partners who are married, living together, or dating.

WHAT IS DATING VIOLENCE?

Dating Violence: a pattern of assaultive and controlling behaviors that one person uses against another in order to gain or maintain power and control in the relationship.

Also can include physical, verbal or emotional, sexual and “digital” abuse.

Also can happen to anyone.

WHAT IS STALKING?

A course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

Stalking is a repetitive pattern of unwanted, harassing or threatening behavior committed by one person against another. Acts include: telephone harassment, being followed, receiving unwanted gifts, and other similar forms of intrusive behavior.

OUR POLICY...

NON-DISCRIMINATION & NON-HARASSMENT POLICY

Phagans' Cosmetology Colleges, in compliance with Title VI and VII of the Civil Rights of 1964, Executive Order 11246, Title IX of Education Amendments of 1972 and section 504 of the Rehabilitation Act of 1972, does not discriminate on the basis of race, color, national/ethnic origin, sex, religion, age or handicap in any of its policies, procedures or practices.

This non-discrimination policy covers admission and access to, treatment of and employment at Phagans' Cosmetology Colleges including but not limited to academic admissions, financial aid, education, services and employment.

NON-DISCRIMINATION & NON-HARASSMENT POLICY

It is the policy of this institution to maintain a learning environment that is free from harassment because of an individuals race, color, sex, ethnic origin, religion, age or disability. The college prohibits any and all forms of harassment because of race, color, sex, national/ethnic origin, religion, age or disability. It shall be a violation of Phagans' Cosmetology Colleges policy for any student, teacher, administrator or other college personnel to discriminate against another individual with regards to race, color, sex, age, religion, ethnic origin or disability. It shall also be a violation of Phagans' Cosmetology Colleges policy for any student, teacher or administrator to tolerate sexual harassment, in any form, that occurs to anyone during college hours of operation and/or off - campus college events.

OUR RESPONSIBILITY

Our responsibility is to determine if a person violated our school policy regarding sexual harassment.

It is not the responsibility of the school or school personnel to determine if a crime occurred.

Defining Sexual Misconduct: Review

- Conduct on the *basis of* sex that satisfies one or more of the following:
 - *Quid Pro Quo*
 - *Hostile Environment*
 - *Sexual Assault including VAWA crimes*

TITLE IX SEXUAL HARASSMENT

Quid Pro Quo:

- *Employee ties the aid, benefit or service of the school on an individual's participation in unwelcome sexual conduct*

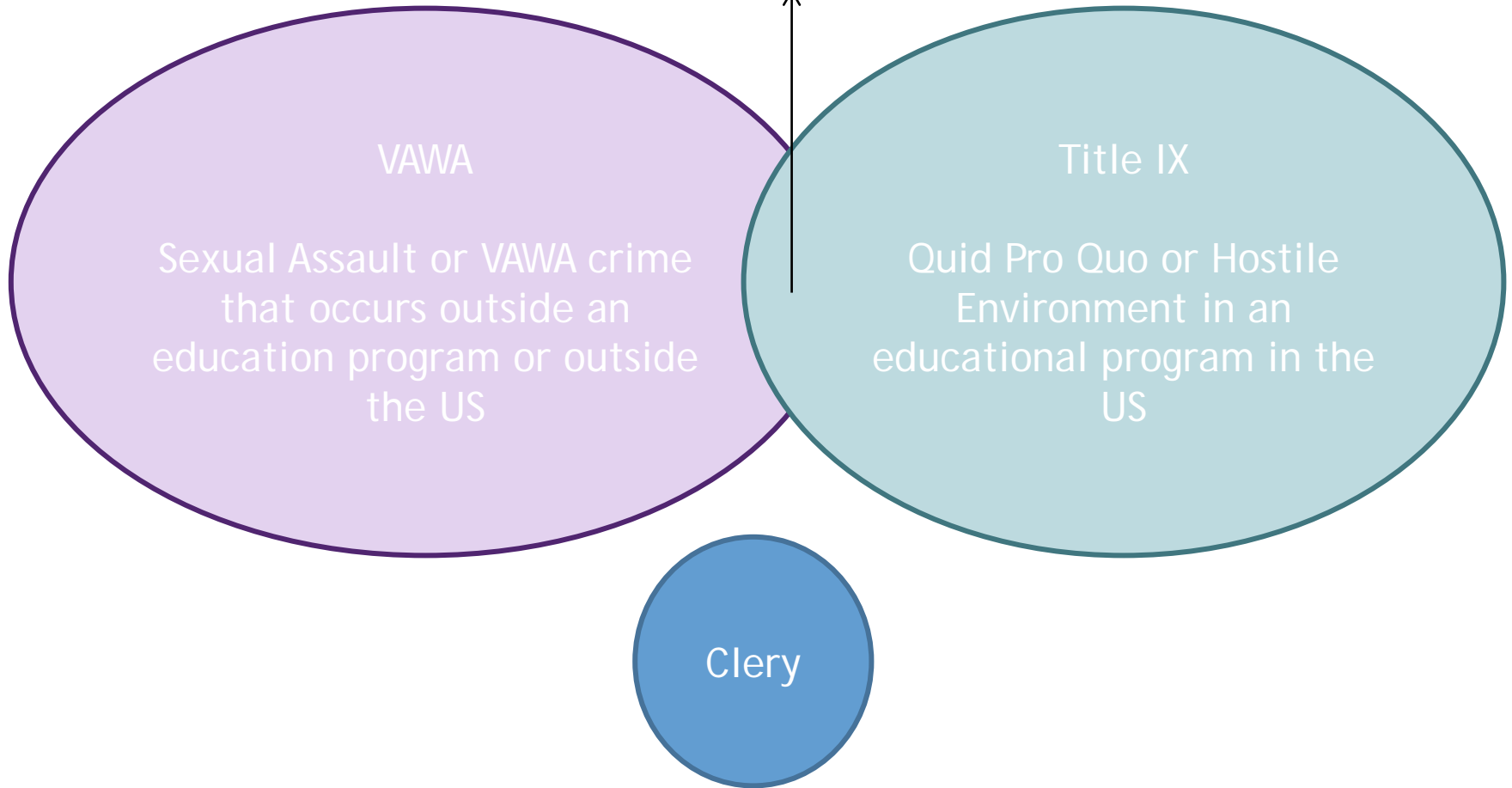
Hostile Environment:

- *Unwelcome conduct (on the basis of sex) determined to be so severe, pervasive, **and** objectively offensive that it effectively denies a person equal access to the institution's education program or activity.*

Sexual Assault - VAWA Crimes:

- *As defined by Clery which include Rape, Fondling, Incest, Statutory Rape, Dating Violence, Domestic Violence and Stalking*

Title IX & VAWA: intersect
Sexual assault or VAWA crime
that occurs **in** an education
program or activity against a
person in the US



OVERVIEW TRAINING REQUIREMENTS

Train the school Title IX Coordinator, Investigator, Decision-Maker, and Facilitator in regards to:

- Definition of Sexual Harassment
- Scope of the school's education program/activity
- How to respond to a report and/or formal complaint of sexual misconduct and conduct an investigation that is fair and equitable to both the complainant and respondent
- Prevention & awareness related to sexual assault and harassment
- Record keeping

TITLE IX COORDINATOR & OWA EXPECTATIONS

Be Knowledgeable of:

- Title IX requirements
- Our policy and procedures
- All complaints raising Title IX issues

Assesses the school environment: identify and address any patterns or on-going foreseeable issues. Be pro-active!

Notify the Director of Team Development & Vice President of a Title IX issue/complaint as soon as it arises

Participate in the school's complaint-grievance process to formal Title IX complaints (*in conjunction with corporate team*).

Participate in annual training and have the authority to fulfill these duties.

HELPFUL DEFINITIONS

Respondent

Respondent means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Complainant

Complainant means an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Recipient

The school the complainant attends

OVERVIEW: RESPONDING TO A REPORT

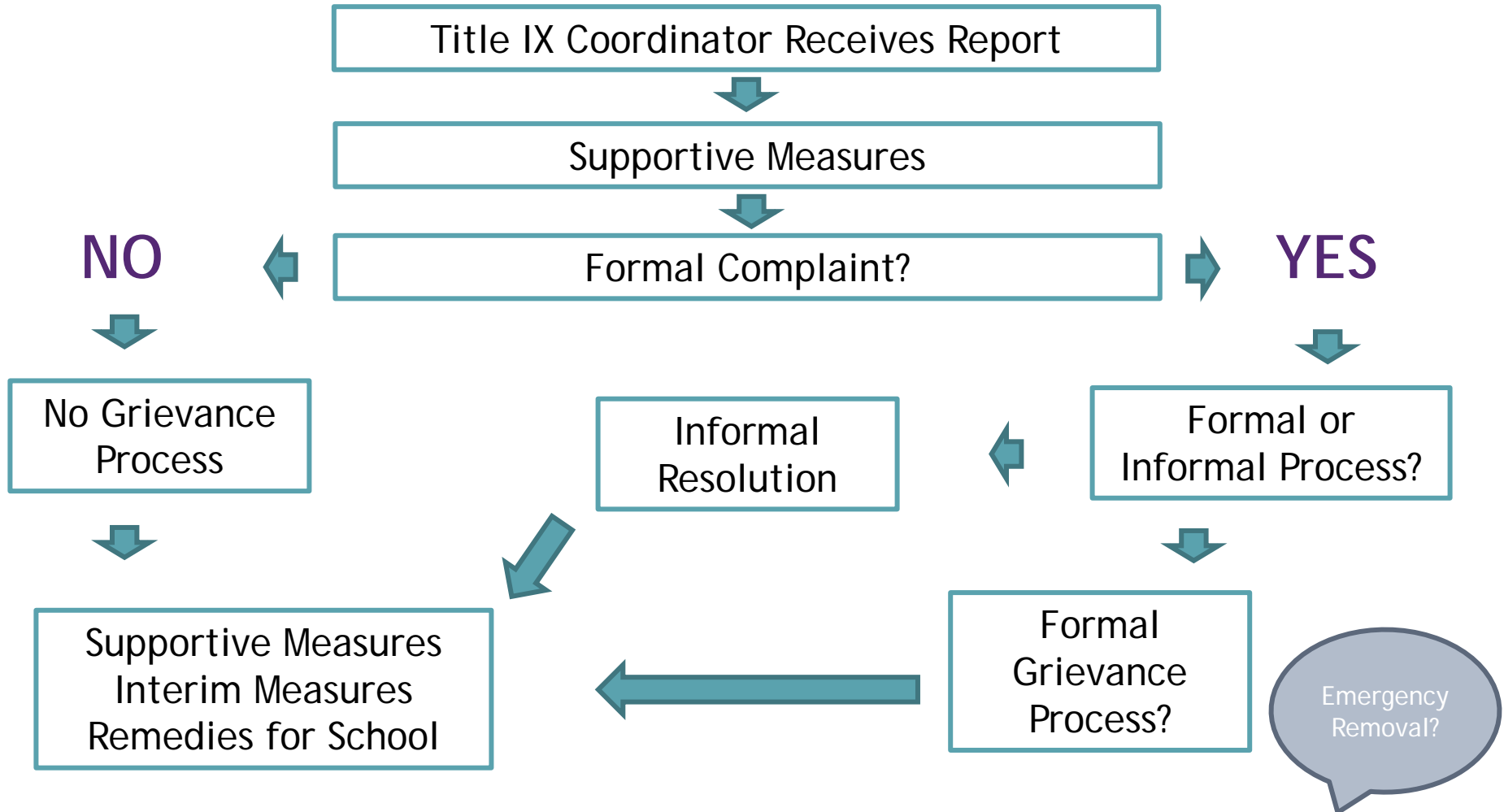
An institution has **actual knowledge** when notice of sexual harassment is received by the Title IX Coordinator or another official with authority to institute corrective measures for sexual harassment. Determining whether an individual is an “official with authority” depends on the specific facts relating to a recipient’s administrative structure and the roles and duties held by officials in the recipient’s own operations. *In the postsecondary context, notice to employees whom a “student could reasonably believe” have authority or duty to report no longer automatically triggers a school’s response obligations.*

When a Title IX Coordinator or an “official with authority” has actual knowledge of sexual harassment, the institution must respond in a way that is not deliberately indifferent. Put another way, an institution will not be liable for its response to allegations of sexual harassment unless the response is clearly unreasonable in light of the known circumstances.

In the postsecondary context, the Department is encouraging more autonomy for the complainant to decide whether to report sexual harassment and to pursue informal resolutions without having to file a formal complaint. In other words, not every “report” requires a formal process.

Schools are given the flexibility to develop policies to determine which employees are mandatory reporters, which employees may listen to a disclosure of sexual harassment without being required to report it to the Title IX Coordinator, and/or which employees must report to the Title IX Coordinator but only with the complainant’s consent.

RESPONDING TO A REPORT



RECEIPT OF REPORT

Report of Sexual Misconduct can be received:

- Verbal
- Email
- Text
- Letter
- Phone

From Complainant or Bystander, does NOT need to be formal at this point to move on to next step

***No official form is required to report

SUPPORTIVE MEASURES

Reach out to Complainant promptly*

- Within 3 business days of receiving report, document the time and date of attempted contact
- Inform complainant of supportive measures with or without filing a formal complaint
- Consider complainants wishes and explain the process for filing a formal complaint
- Notify complainants rights to report to law enforcement
- Reassure complainant that no retaliatory measures will be taken if formal complaint is filed with the school

SUPPORTIVE MEASURES

Example Supportive Measures include, but are not limited to:

- Mutual restrictions on contact between complainant and respondent
- Change in academic schedule
- Access to resources such as victim advocacy, support groups, community resources ie victim support services, law enforcement, alternative housing, and financial resources.
- Maintaining confidentiality as long as it doesn't interfere with the ability of the school to provide supportive measures

DETERMINE NEXT STEP

§ 106.44 Recipient's response to sexual harassment.

(a) *General response to sexual harassment.* A recipient with actual knowledge of sexual harassment in an education program or activity of the recipient against a person in the United States, must respond promptly in a manner that is not deliberately indifferent.

A recipient is deliberately indifferent only if its response to sexual harassment is clearly unreasonable in light of the known circumstances. For the purposes of this section, §§ 106.30, and 106.45, “education program or activity” includes locations, events, or circumstances over which the recipient exercised substantial control over both the respondent and the context in which the sexual harassment occurs, and also includes any building owned or controlled by a student organization that is officially recognized by a postsecondary institution.

A recipient's response must treat complainants and respondents equitably by offering supportive measures as defined in § 106.30 to a complainant, and by following a grievance process that complies with § 106.45 before the imposition of any disciplinary sanctions or other actions that are not supportive measures as defined in § 106.30, against a respondent.

The Title IX Coordinator must promptly contact the complainant to discuss the availability of supportive measures as defined in § 106.30, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

CRIME/INCIDENT REPORT

If School Policy Violated:
Title IX
coordinator
and/or
student
complete
Crime Security
report as
documentation
of incident
and supportive
measures
provided.

Campus Security: Clery Act Campus: _____	<p>Sex Offenses: Sex offenses are of special concern because they have been under-reported. The victim of a sex offense typically desires confidentiality and anonymity; as a result he/she will often seek a reporting source other than law enforcement such as a Phagans' staff member. Because the sex offender may continue to pose a threat to the community, the threat potential needs to be evaluated and the campus community alerted/warned as necessary. In this regard, the following additional information is requested.</p> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="checkbox"/> Known offender (friend, classmate, acquaintance, date, etc.) <input type="checkbox"/> College affiliated (<input type="checkbox"/> Student <input type="checkbox"/> Staff) <input type="checkbox"/> Unknown offender (stranger) </div> <div style="width: 48%;"> <input type="checkbox"/> Alcohol involved: <input type="checkbox"/> Offender <input type="checkbox"/> Victim <input type="checkbox"/> Drugs involved: <input type="checkbox"/> Offender <input type="checkbox"/> Victim <input type="checkbox"/> Narcotics involved: <input type="checkbox"/> Offender <input type="checkbox"/> Victim <input type="checkbox"/> Weapon involved: <input type="checkbox"/> Yes <input type="checkbox"/> No </div> </div> <div style="margin-top: 10px;"> <input type="checkbox"/> Victim was not injured (<i>excluding emotional/psychological trauma</i>) <input type="checkbox"/> Victim was injured - Describe injuries: _____ Describe weapon: _____ </div>
<p>According to the Higher Education Act, or 20 U.S.C. 1092 now known as the Clery Disclosure of Campus Crime Statistics Act, we must collect certain campus crime statistics. This law applies to college officials.</p> <p>The details of this report will not be made public. Only the number of crimes occurring will be released. It is not required for the report, but it will help ensure the crime is not counted as an incident reported.</p> <p>Please use this form to gather and report information on crimes that occur with students. Information-gathering document, it is <u>not</u> an insurance form, nor should it be used as a replacement for an insurance claim.</p>	<div style="margin-bottom: 20px;"> Date of Incident: _____ Time of occurrence: _____ Person completing this form: _____ Title: _____ </div> <div style="margin-bottom: 20px;"> Location/address of crime or incident: _____ <input type="checkbox"/> On-Campus <input type="checkbox"/> Non-Campus <input type="checkbox"/> Public Property (e.g., at a restaurant) <input type="checkbox"/> Off Campus & not related </div> <div style="margin-bottom: 20px;"> Incident reported by: _____ <input type="checkbox"/> student </div> <p>Check if the reporter is requesting confidentiality and/or does not want their name revealed: <input type="checkbox"/></p> <div style="margin-bottom: 20px;"> Crime/Incident being reported: (please describe the incident on the next page) <div style="display: grid; grid-template-columns: repeat(3, 1fr); gap: 5px;"> <div><input type="checkbox"/> Murder</div> <div><input type="checkbox"/> Manslaughter</div> <div><input type="checkbox"/> Forcible sex</div> <div><input type="checkbox"/> Non-forcible sex</div> <div><input type="checkbox"/> Robbery</div> <div><input type="checkbox"/> Aggravated assault</div> <div><input type="checkbox"/> Burglary</div> <div><input type="checkbox"/> Motor vehicle theft</div> <div><input type="checkbox"/> Arson</div> <div><input type="checkbox"/> Larceny/Theft</div> <div><input type="checkbox"/> Simple assault</div> <div><input type="checkbox"/> Intimidation</div> <div><input type="checkbox"/> Destruction/damage/vandalism of property (except arson)</div> </div> </div> <div style="margin-bottom: 20px;"> Disciplinary referrals of: <input type="checkbox"/> student <input type="checkbox"/> staff <input type="checkbox"/> faculty <input type="checkbox"/> non-affiliate with college <input type="checkbox"/> Alcohol violation <input type="checkbox"/> Drug violation <input type="checkbox"/> Weapon violation </div> <div style="margin-bottom: 20px;"> Hate Crime(s) or Incident being reported: <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, Categories: <input type="checkbox"/> Race <input type="checkbox"/> Religion <input type="checkbox"/> Gender <input type="checkbox"/> Ethnicity <input type="checkbox"/> Disability <input type="checkbox"/> Sexual Orientation </div> <div style="margin-bottom: 20px;"> Select any other entity the incident was reported to: <input type="checkbox"/> Police Department: _____ Date of Police Report: _____ Case Number: _____ Officer Name: _____ <input type="checkbox"/> None <input type="checkbox"/> Unknown <input type="checkbox"/> Other agency </div>
Clery Act Statistics Incident Report	<div style="text-align: center; background-color: #f0f0f0; padding: 10px; border-radius: 5px;"> Give completed form to the Title IX Coordinator/Campus Director, keep a copy in the Safety Notebook, and e-mail to Tracy Straub (tracys@phagans-schools.com) and Kristie Davis (kristie@phagans-schools.com) </div>

FORMAL COMPLAINT

Formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under 106.8, and by any additional method designated by the recipient..

RETALIATION WILL NOT BE TOLERATED

It is against our policy and it is unlawful for *anyone* (the school, the respondent, other students) to retaliate in any way against someone for reporting any Title IX violations.

We must inform all parties involved that retaliation is not allowed, and we must take steps to prevent retaliation.

And we must take strong responsive actions if retaliation does occur, including but not limited to, immediate termination of employment or enrollment.

FORMAL COMPLAINT PROCESS

1. Actual Knowledge
2. Formal Complaint*
 - **Cannot be filed anonymously*
3. Investigation
4. Decision Making
5. Appeal
6. Sanctions-Remedies

ROLES DURING FORMAL COMPLAINT PROCESS

1. **Title IX Coordinator:** cannot be DM
2. **Investigator:** cannot be DM
3. **Facilitator:** oversees process of informal resolution
4. **Decision Maker:** can receive recommendations from Title IX Coord. & Investigator but an independent obligation to objectively evaluate evidence and make a decision.

Title IX Coordinator CAN act as Investigator

RESPONDING TO FORMAL COMPLAINT

School's Written Notice to BOTH Complainant & Respondent:

- Notice of Charges
- Details of Complaint
- Both parties may select an advisor (not affiliated with the school); have the right to review and inspect evidence, statements; have right to call witnesses
- Both parties will be treated equitably, there will be an objective and unbiased evaluation of the evidence, with a clear and convincing evidence standard
- Both parties can agree to an informal process at any time during the formal process
- An written investigation report will be given to both parties within 20 days of the formal report receipt and 10 business days prior to live hearing
- Live hearing will take place via zoom in two separate areas of the school
- Within 20 business days of the hearing, the school designated decision maker will review everything presented and make a determination if a school policy was violated and the respondent is responsible.
- A determination of decisions-discipline will be made. This could include anything from supportive measures to the respondents termination of enrollment.
- Either party can appeal the decision if they can present new evidence to the school (not previously presented), prove procedural irregularities, or that one of the school authorities involved in the process had bias within 5 business days of the decision.

INFORMAL RESOLUTION PROCESS

The school can choose to offer and facilitate an informal resolution of a formal complaint so long as both parties give voluntary, informed, written consent. The facilitator of the informal resolution process must be well trained and unbiased. An informal resolution process may not be offered if an employee allegedly sexually harasses a student.

RECORDKEEPING

All documentation from sexual harassment investigations along with training materials must be maintained for seven years.

All materials used to train the Title IX coordinators, investigators, decision makers, appellate decision makers, and informal resolution process facilitators must be posted on the schools website.

ONGOING PREVENTION AND AWARENESS

New student orientation will include:

- Information regarding sexual harassment
- Our policy regarding non-discrimination & non-harassment
- The reporting process
- What to do if they have experienced sexual violence or harassment
- Who our Title IX Coordinator is

All new employees will receive training.

Every year, we will conduct additional reviews and training for all students and employees.

SEE ANNUAL SAFETY & SECURITY RESOURCE REVIEW PRESENTATION FOR STUDENTS & TEAM

RESOURCES

RAINN National Sexual Assault Hotline:

- 1-800-656-HOPE

National Domestic Violence Hotline:

- 1-800-799-SAFE

Love Is Respect:

- 1-866-331-9474

National Suicide Prevention Lifeline:

- 1-800-273-TALK

Circle of 6

- Circleof6app.com

Find more resources on our website at:

www.phagans-schools.com/consumer-information

www.phagans-schools.com/safety-resources



TITLE IX COORDINATORS:

The Campus Director

Report incidents of sexual harassment, violence and any form of sexual misconduct to the school Title IX Coordinator. You can also report directly to:

tracys@phagans-schools.com

concerns@phagans-schools.com

We can create a safe supportive environment together.