



Notice of Student Rights for Reporting Sexual Misconduct

California Hair Design Academy (hereafter referred to as the “Institution”) expressly prohibits any form of sexual discrimination or sexual misconduct. The Institution is committed to preventing sexual misconduct, encouraging reports of such misconduct, improving responses to reports of such misconduct, and complying with applicable federal laws. Additional information regarding Campus Security and definitions of prohibited conduct can be located in the Institution’s Campus Safety & Security Handbook located on our website at <https://chdaschools.com/consumer-information/campus-safety-security> and the student’s Pivot Point LAB portal home page. Paper copies of the Campus Safety & Security Handbook can be requested from the Administration Office.

Reporting and Confidentially Disclosing Sexual Violence: Know the Options

California Hair Design Academy encourages victims of sexual violence to talk to someone about what happened – so victims can get the support they need, and so the Institution can respond appropriately.

- Different employees on campus have different abilities to maintain a victim’s confidentiality. Some are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”
- Other employees may talk to a victim in confidence, and generally only report to the Institution that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger an institutional investigation into an incident against the victim’s wishes.
- Thirdly, some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX coordinator (also referred to as the School Safety Officer). A report to these employees (called “responsible employees”) constitutes a report to the Institution – and generally obligates the Institution to investigate the incident and take appropriate steps to address the situation.

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 violence. The Institution encourages victims to talk to someone identified in one or more of these groups.

The Options

A. Non-Professional Advocates

Individuals who work on-campus including front desk staff and students, can generally talk to a victim without revealing any personally identifying information about an incident to the Institution. A victim can seek assistance and support from these individuals without triggering an Institutional investigation that could reveal the victim’s identity or that the victim has disclosed the incident.

While maintaining a victim’s confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator (School Safety Officer). This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator (School Safety Officer) informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX

Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator.

Following is contact information for these non-professional advocates:

- **Karla Garcia, Daytime Receptionist (619) 461-8600 ext. 201 or 202**
- **Lazaro Arenas, Nighttime Receptionist (619) 461-8600 ext. 201 or 202**

A victim who speaks to a non-professional advocate must understand that, if the victim wants to maintain confidentiality, the Institution will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Even so, these advocates will refer the victim to the list of outside resources provided by the Institution that provide support; such as victim advocacy, disability, health or mental health services, and changes to living or working schedules.

A victim who at first requests confidentiality may later decide to file a complaint with the Institution or report the incident to local law enforcement, and thus have the incident fully investigated. These advocates will provide the victim with assistance if the victim wishes to do so.

PLEASE NOTE: If the Institution determines that the alleged perpetrator(s) pose a serious and immediate threat to the Institutional community, **Brenda Garcia (the designated School Safety Officer)**, may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

B. Reporting to “Responsible Employees.”

A “responsible employee” is an employee of the Institution who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence 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 Institution 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 (School Safety Officer) all relevant details about the alleged sexual violence shared by the victim that the Institution 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 Institution’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 following employees (or categories of employees) are the Institution’s responsible employees:

Administrative Office Staff:

- **Len Steinbarth, President**
 - (619) 461-8600 ext. 207 or len@chdaschools.com
- **Brenda Garcia, Title IX Coordinator (School Safety Officer) and School Director**
 - (619) 461-8600 ext. 204 or brenda@chdaschools.com
- **Hilda Samano, Enrollment/Admissions Officer**
 - (619) 461-8600 ext. 203 or hilda@chdaschools.com
- **Stacie McLaughlin, Compliance Director**
 - (619) 461-8600 ext. 205 or stacie@chdaschools.com

Instructors

- **All Instructors employed by the Institution**
 - **The student can dial (619) 461-8600, enter the front desk extension (201 or 202) and ask for the specific instructor by name that they would like to speak with. If the student would prefer to leave a voicemail for an instructor to call them back, dial extension 206 for the Instructor's general voicemail.**

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 Institution will consider the request, but cannot guarantee that the Institution will be able to honor it. In reporting the details of the incident to the Title IX Coordinator (School Safety Officer), 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 Institution 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.

Requesting Confidentiality From the Institution: How the Institution Will Weigh the Request and Respond

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

If the Institution honors the request for confidentiality, a victim must understand that the Institution'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 Institution may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students.

The Institution has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence:

- **Len Steinbarth, President**
- **Brenda Garcia, Title IX Coordinator (School Safety Officer)**

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, **Len Steinbarth and Brenda Garcia** will consider a range of factors, including the following:

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

- whether the Institution possesses other means to obtain relevant evidence of the sexual violence (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 Institution to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the Institution will likely respect the victim's request for confidentiality.

If, for example, the Institution has credible information that the alleged perpetrator has committed one or more prior rapes, the balance of factors would compel the Institution to investigate the allegation and, if appropriate, pursue disciplinary action.

If the Institution determines that it cannot maintain a victim's confidentiality, the Institution will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the Institution's response.

The Institution 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 the Institution's employees, will not be tolerated.

The Institution will also:

- Assist the victim by providing a list of outside resources that assist with victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
- 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 Institution may not require a victim to participate in any investigation or disciplinary proceeding.

Because the Institution 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 Institution 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/victimization surveys; and/or revisiting its policies and practices.

If the Institution determines that it can respect a victim's request for confidentiality, the Institution will also take immediate action as necessary to protect and assist the victim.

Anonymous Reporting

Although the Institution encourages victims to talk to someone, the Institution provides an online system for anonymous reporting. The system will notify the user, before s/he enters information, that entering personally identifying information may serve as notice to the Institution for the purpose of triggering an investigation.

Off-campus Counselors and Advocates

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the Institution unless the victim requests the disclosure and signs a consent or waiver form. Following is contact information for these off-campus resources:

Alcohol and Drugs:

Alcohol and Drug Services Access & Crisis Line	1-800-479-3339 www.sandiegocounty.gov/hhsa/programs/bhs/alcohol_drug_services	Crisis line. Information is also available on residential and non-residential treatment programs.
Al-Anon Alateen	1-757-563-1600 / www.Al-anon.alateen.org	Designed to help families and friends of alcoholics
Facts on Tap	www.campushealthandsafety.org	A comprehensive alcohol and drug education program for students.
Narcotics Anonymous	1-800-479-0062 www.sandiegona.org	Information and counseling including meetings, sponsors, and recovery.
1-800-NO-BUTTS	1-800-NO-BUTTS www.nobutts.org	An organization that provides support and treatment for those wishing to stop smoking.

Women's Health:

Planned Parenthood	619-881-4589 www.plannedparenthood.org/planned-parenthood-pacific-southwest	Pregnancy tests, birth control, emergency contraceptives and other women's health resources
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Childcare:

YMCA Childcare Resource Service	858-292-9622 www.ymca.org/crs	Can help you find child care near your work or home.
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Eating Disorders:

Caringonline.com	1-888-884-4913 www.caringonline.com	Resources for negative body image or Anorexia, Bulimia, or Compulsive Overeating.
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Depression and General Mental Health:

Suicide Prevention Center	1-888-724-7240 up2sd.org/resources/suicide-prevention-and-support/	24-Hour Crisis Line Links to prevention and mental health resources
Depression and Bipolar Support Alliance	1-800-826-3632 www.dbsalliance.org	Support, information and resources for depression and bipolar disorders.
ULifeline	1-800-273-TALK (8255) www.ulifeline.org	A mental health library, drug database, screening tests, how to support a friend and more.

Domestic Violence:

California Partnership to End Domestic Violence	1-800-799-SAFE (7233) www.cpedv.org	24-Hour Hotline for Victims Domestic violence resources
San Diego Domestic Violence Council	1-800-799-SAFE (7233) www.sddvc.org	24-Hour Hotline for Victims of Domestic Violence
The National Domestic Violence Hotline	1-800-799-SAFE (7233) www.thehotline.org/resources	National Domestic Violence Hotline, Resources for victims

Additional Resources

National Domestic Violence Hotline: 1(800)-799-7233

National Resources Rape, Abuse & Incest National Network: 1(800) 656-4673

National Child Abuse Hotline: 1(800)-422-4453 or- 1 (800) 344-6000

Access & Crisis Line: (888) 724-7240

Aging and Independent Services & Adult Protective Service: 1 (800) 510-2020

Center Community Solutions – Sexual Assault Crisis Line: 1 (888) 385-4657

Lesbian, Gay, Bisexual, Transgender, Questioning (LGBTQ): 1 (858) 212-5433

Megan's Law: <http://meganslaw.ca.gov/>

Military Resources

For referral for family services centers serving Camp Pendleton, MCAS, Miramar, MCRD, Naval Base, San Diego, NAS North Island and Sub Base Fleet; Call Military one Source at (800) -342-9647 (24 hour hotline not confidential) You may call the Family Justice Center Military Liaison 619-533-3592 (confidential.)

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

Investigation Procedures and Protocols

The institution's Title IX Coordinator is:

Brenda Garcia

Title IX Coordinator, School Director

brenda@chdaschools.com

619-461-8600 ext. 204

The Title IX Coordinator will oversee all investigations regarding sexual misconduct, domestic violence, and bullying reported by any student presently or formerly enrolled at the institution. The investigation may include coordination with the institution president, Len Steinbarth, or any other employee having knowledge of the alleged incidence.

The Title IX coordinator and any other employees participating in the investigation will consider written complaints, oral interviews, hearing testimony and statement and interviews from witnesses that have first-hand knowledge.

Investigations will be started immediately upon receipt of an oral or written complaint communicated to the coordinator. The investigation will be completed within 30 days of the receipt of the complaint, which can be extended by an additional 30 days if required at the discretion of the Title IX coordinator.

Any evidence collected, whether written, oral, or statements by parties with first-hand knowledge, will be maintained by the Title IX Coordinator. The evidence will be held by the coordinator in confidence and only released to the complaining party and the accused upon written authority to release the information. The standard of evidence will be the “preponderance of the evidence.”

The complainant and the accused shall be afforded equitable rights during the investigation.

Information obtained by the institution during an investigation of sexual misconduct shall not be released to law enforcement without written permission by both the complainant and the accused; with the exception being if the institution is required by law to report the investigation and provide evidence related to such. In that instance the institution shall provide the evidence to law enforcement without the parties consent.

The institution shall immediately take steps to protect the complainant as follows:

1. Offer reasonable accommodations.
2. Issue no contact orders.
3. Change academic schedule.
4. Withdraw or retake class without penalty.
5. Change accused’s school schedule.
6. Place accused on a leave of absence until matter is resolved.
7. Offer academic support.

In the event the complainant request confidentiality, the institution should explain that the institutions ability to investigate may be hindered. However, should confidentiality be requested by the complainant, the institution may implement the following:

1. Provide additional training to students and employees about sexual misconduct.
2. Increased monitoring of complainant and accused if both attending school.
3. Offer additional security measures to the complainant.
4. Re-publicize school policies on sexual misconduct.

Grievance/Adjudication Procedure

The Grievance/Adjudication Procedure shall be as follows:

1. The adjudication process shall be informal and not bound by the requirements of legal trial procedures. All parties will be given ample opportunity to testify and present evidence.
2. Mediation is not an acceptable form of adjudication for sexual misconduct complaints.
3. The standard of evidence will be “preponderance of the evidence” (ie. More likely than not). As required by Title IX in any fact-finding and related proceedings, including any hearing.

The adjudicator shall be an individual trained in law and will determine if the alleged sexual misconduct occurred. The adjudicator will determine the sanctions, if any, according to the standards adopted in this policy publication.

Either party may object to the adjudicator and in that event, the Title IX Coordinator will propose an alternate adjudicator. If the alternative adjudicator is unacceptable to either party, the coordinator will appoint a different adjudicator at her sole discretion.

Any hearing or adjudication shall be held as following:

1. The hearing will be informal.
2. Only the following can be allowed to attend: the complainant, the accused, any witness with first-hand knowledge of the events (only during testimony); the adjudicator, the Title IX Coordinator or their designee, any institution investigator. The admittance of any individual to the hearing, other than the parties, will be at the sole discretion of the adjudicator.
3. The parties can present oral and written evidence and cross-examination questions. Witnesses can present oral testimony. Title IX Coordinator and institution investigator can present oral or written testimony. All evidence will be subject to allowable cross-examination by the adjudicator.
4. Adjudicator shall not allow evidence of a prior consensual dating or sexual relationship and it will not be considered as consent or preclude a finding of sexual conduct regarding the present complaint.

Should the institution conduct a hearing, which allows for cross-examination of the complainant, upon a written request by the complainant and/or the accused, the institution will require the cross-examination be done by the parties providing written questions to be asked of the opposing party by the investigator. For the purpose of a hearing, the adjudicator shall be a person trained in law appointed by the Title IX Coordinator or the coordinators designee. In the event the adjudicator is not acceptable to either the accuser or the accused, the Title IX Coordinator will appoint an alternate independent qualified hearing officer from the law profession that is acceptable to the accuser and the accused. If either party cannot agree on an independent third-party hearing officer, the Title IX Coordinator will appoint a hearing officer at his/her sole discretion. Both complainant and the alleged perpetrator will be treated equally and fairly and each will be afforded the same rights extended to any party.

The results of the adjudication process may include the following:

1. Upon receipt of a complaint by an accuser, should the accused be enrolled in the institution, they will be placed on attendance probation and not allowed to attend the school until the investigation is completed, unless otherwise allowed by written consent of the complainant.
2. If the perpetrator is a student at the institution, and the allegations are found to be true, the perpetrator will be immediately terminated from the institution.
3. The victim will be afforded reasonable accommodations regarding their enrollment, to include a leave of absence, suspension of attendance at the institution, or assistance in transferring to a different institution offering the same program. Should the victim request in writing a leave of absence or suspension of attendance, the victim can request reinstatement at the institution without additional cost or any additional academic requirements.
4. Should the victim request such, the institution will assist the victim in contacting the appropriate Health and Welfare Prevention Agency listed in this publication.
5. Referral to a law enforcement agency for further action.

The parties will be advised of the results of any investigation or adjudication as follows:

1. Simultaneous written notice of the findings of the investigation and adjudication to both parties within 30 days of completion of the investigation or adjudication.
2. Notice that the institution will not require a party to abide by a non-disclosure agreement, in writing or otherwise, that would prevent redisclosure of information related to the outcome of the proceedings.
3. Either party may appeal the investigation or adjudication if a written appeal is filed within 30 days and served to the Title IX Coordinator within that time period. The appealing party shall state in their written notice the basis for their appeal. The opposing party will have 30 days from the date of notice of an appeal to object to the appeal. Objection to the appeal shall be in writing and state the basis of the objection. The Title IX Coordinator, or his/her designee will review the appeal and objections to the appeal and any other evidence collected during the

investigation and adjudication and render a final decision with 30 days after any objection is filed. The standard of review will be a “preponderance of evidence” standard.

Prevention and Education

The institution takes very seriously any complaint regarding sexual misconduct. All students, at the time of enrollment, will be advised of the institutions policy regarding sexual misconduct. Additionally, the institutions policy will be reviewed with students at the initial student orientation. Bi-annually, the institutions policy will be reviewed with students during a campus-wide meeting. The policy will be reviewed with all staff during monthly staff meetings. Students and other bystanders or witnesses will be encouraged to report all inappropriate sexual conduct, domestic violence, and/or bullying to the institutions staff immediately.

Training

The Title IX Coordinator (School Safety Officer) shall attend and be certified that they have been trained regarding the requirements of Title IX regarding sexual misconduct. The Title IX Coordinator will hold bi-annual training with all responsible employees and anyone else involved in responding to, investigation of or adjudicating sexual conduct at the institution.