

North Florida Cosmetology Institute

2023 Annual Security Policy and Report

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

Published: October 2023

Note: North Florida Cosmetology Institute collects and reports crime statistics daily, monthly, and annually. These statistics will be compiled annually for the Department of Education and the Department's Campus Safety Report. We will prepare these reports to comply with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act and state and federal laws. **The full text of this report can be found on our website: <https://cosmetologyinst.com/financial-aid/> and physically posted on campus. The report is available in print upon request.**

North Florida Cosmetology Institute

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North Florida Cosmetology Institute

Introduction

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

The Institute collects and reports crime statistics for its campus, located at 2424 Allen Road, Tallahassee, FL 32312. In addition to the main building located at this address, the campus includes the following:

- Parking lot @ 2424 Allen Road, 32312
- Parking lot @ 2500 Allen Road, 32312

The Institute also provides statistical information for crimes that occur on public property immediately accessible from campus when such statistics are known or obtained from local law enforcement. Public property within the Clery geography includes the following:

- The sidewalks next to 2424 Allen Road.
- The common area between 2424 Allen Road & 2500 Allen Road

In the Annual Report (which is updated each year by October 1st), you will find an explanation of NFCI’s policies and procedures for keeping its campus safe and secure, programs and education provided to students and employees regarding crime prevention and campus security, and crime report statistics.

The North Florida Cosmetology Security Team

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

- Security Director, John Harrington
- Compliance Directors Kristen Broadway and/or Stephane Gutierrez
- Institute Director, Anita Coppedge
- Title IX Coordinators Kristen Broadway and/or Kimberly Matthews

Authority and Cooperation with Local Law Enforcement

Any member of the NFCI Security Team has the authority to ask persons for identification and to determine whether individuals have a lawful business on campus. They likewise have the authority to order an individual to leave the premises. Members of the NFCI Security Team do not possess arrest power.

Criminal incidents are referred to the local police, who have jurisdiction on campus. The NFCI Security Team cooperates with local police to respond to criminal incidents and support police investigations. All crime victims and witnesses are strongly encouraged to immediately report crimes to the Institute and the Tallahassee Police Department. Prompt reporting will ensure timely warning notices on-campus and timely and accurate disclosure of crime statistics. NFCI has a rapport of

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understanding with the Tallahassee Police Department.

Campus Security and Access

The public entrance to The Institute is located at 2424 Allen Road, Tallahassee, FL 32312. The campus is open during the following service hours:

Tues-Thurs	9 am-7 pm
Friday	9 am-5 pm

The Admissions and Financial Aid offices of the business are open during the following hours:

Tues - Fri	9 am-5 pm
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Public areas include the lobby and clinic floors, classrooms, study rooms, lockers, and offices, which are located in private areas accessible to students and authorized personnel. The Institute does not have any campus residences.

Students and staff can access the building from the lobby or the Classrooms/Clinic floor at 2424 Allen Road.

The NFCI Security Team conducts rounds of the entire facility, checking doors, emergency exits, and all student areas throughout the day. The security team also checks to make sure sidewalks and pathways are unobstructed and well-lighted. Also, the Security Director regularly visits the facility to conduct checks to ensure campus security. Suppose additional protection is needed for a special event. In that case, the Security Director works with the NFCI Security Team to hire the appropriate security company to cover the hours of the event to ensure the safety of all students and employees.

Reporting Crimes and Other Emergencies

The Institute encourages the victim or witnesses to any crime to promptly report the incident to the NFCI Security Team and the Tallahassee Police Department. The Institute does not have campus police. Contact the NFCI Security Team (non-emergencies) or call 911 (emergencies only). Any suspicious activity or person seen on campus or in nearby public areas should be reported to the NFCI Security Director, who may notify local law enforcement. In addition, you may report an incident to the following:

Campus Security Team
Security Director: John Harrington - admin@cosmetologyinst.com - 850-219-9222 or 850-294-3310
Director: Anita Coppedge – kim@cosmetologyinst.com - 850-878-5269
Title IX Coordinators: Kristen Broadway or Kimberly Matthews - 850-878-5232 or 850-251-8536 Kristen@cosmetologyinst.com or Kim@cosmetologyinst.com
Compliance: Kristen Broadway and/or Stephane Gutierrez - 850-878-5269 Kristen@cosmetologyinst.com or Kim@cosmetologyinst.com

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Reports to the above-referenced Campus Security Team will be used to make timely warning reports, emergency response and notification, and reporting crime statistics per the Clery Act. The above-designated Campus Security Team is responsible for documenting incidents using the Institute's incident report protocol. Documented reports will be reflected in the Institute's crime log.

The above-referenced Campus Security Team will assist the victim or witness in making a report to the local police department if the victim or witness desires to make such a report. Crime victims who do not want to pursue charges against the perpetrator are encouraged to report to the institution. The Institute encourages individuals to report all incidents of sexual misconduct to the Institute, allowing the Institute to provide more resources and assistance and provide a safe, nondiscriminatory environment.

Confidentiality

The Institute recognizes that some individuals may wish to keep their concerns confidential. However, because of the Institute's obligation to investigate and respond to reports, the Institute cannot provide complete confidentiality. The Institute will make every effort to ensure confidentiality, subject to the Institute's need to investigate and respond to such complaints and report campus crimes according to applicable law. The Institute will protect a complainant's confidentiality to the extent possible. The Institute will weigh the request against the seriousness of the alleged misconduct, the Institute's obligation to maintain a safe and nondiscriminatory learning environment for its students, and the Institute's commitment to addressing and preventing the recurrence of misconduct. The Director will make this determination.

The Institute is required to provide students with historical information regarding incidents of sexual assaults and certain other crimes occurring on campus. Record-keeping, including Clery Act reporting and disclosures such as the annual security report and crime log, will not include names or other personal information. To ensure that a complainant's personally identifying information will not be included in publicly available record-keeping, Security Team describes the alleged incidents by removing the complainant's name and any other identifier that would enable the public to identify the complainant in the context of the incident report.

The Institute keeps any accommodations or protective measures provided to an individual confidential. The Institute will only disclose information necessary to provide the accommodations or protective measures in a timely manner. The Director will determine what information about a victim should be disclosed and to whom this information will be disclosed. The Institute will inform victims before sharing personal information that the Institute believes is necessary to provide an accommodation or protective measure. The Institute will tell the victim which information will be shared, with whom it will be shared, and why. The Institute does not have professional counselors or pastoral counselors on site. The Institute does not have procedures that encourage pastoral counselors and professional counselors.

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

While student disciplinary records are protected as education records under FERPA, there are certain circumstances where disciplinary records may be disclosed without the student's consent. The Institute may disclose to an alleged victim of a crime of violence or non-forcible sex offense the results of a disciplinary proceeding, regardless of whether the institution concluded a violation was committed. An institution may disclose to anyone the final results of a disciplinary proceeding if it determines that the student is an alleged perpetrator of a crime of violence or non-forcible sex offense. Concerning the allegation made against him or

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her, the student has violated the institution's rules or policies. See 34 CFR §§ 99.31(a)(13) and (14). Suppose the alleged victim is deceased as a result of the crime or offense. In that case, the information shall be provided, upon request, to the next of kin of the alleged victim.

Crime Alerts (Timely Warnings)

A Timely Warning, also known as a Crime Alert, will be issued for all Clery Act crimes that occur on NFCI's Clery Act geography that are reported to campus security authorities or local police agencies and are considered by the institution to represent a serious or continuing threat to students and employees.

The Security Director decides to issue and through what method he will issue timely warnings. He collaborates with the Institute Director, the Title IX Coordinators, and any other staff necessary. The Director is responsible for providing the reports from local law enforcement as soon as they are received.

Timely warnings are issued through written notification, the PA system, and/or the Emergency Alert Notification System. The warning will include all information that promotes safety and that aids in the prevention of similar crimes. It will also include information that triggered the crime, if available. The warning will not include the names of the victim(s).

The Distinction between Emergency Notifications and Timely Warnings

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

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

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

Emergency Response, Notifications, and Evacuation Procedures

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

Response

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

1. Reporting Emergencies

When anyone becomes aware of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus, immediately notify

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the Security Team and 911 if necessary. The Security Team member contacted will then relay that message to the Security Director. The backup for the Security Director is The Director or Title IX, Coordinator. The Security Director and any other necessary parties, such as Director, the police, the fire department, etc., will take the necessary action to keep the Institute safe.

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

2. Evacuation

The Security Director, working in conjunction with the security team and any other necessary parties, will determine whether the building needs to be evacuated. If directed to evacuate, all individuals shall follow the emergency routes posted in the rooms throughout the building. Students and employees shall also direct all guests to follow them outside the building. Everyone shall proceed to the parking lot of 2500 Allen Road. Students shall assemble in each of their respective phases to aid instructors in taking attendance.

Assuming that it is safe to do so, the Security Director or other necessary parties shall sweep through the building to ensure that all occupants have evacuated. After doing so, they shall remain at a primary point of entry to ensure that no unauthorized individuals attempt to enter the facility.

Employees and students shall not use the elevators to exit the building. Once outside the facility, all faculty and managers will account for their staff or students. Suppose any student or employee is determined missing. In that case, the faculty or manager shall immediately notify emergency personnel of the missing person. No one shall reenter the building until it is determined safe to do so. The Security Director working with the necessary parties, will make that determination.

3. Shelter-in-Place Procedure

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

- Lock classroom doors;
- Close windows and, if available, close window blinds, curtains, or shades;
- Direct all persons to move away from the windows and doors; and
- Direct all persons to get down on the floor.

4. Specific Scenarios

The below section contains directions that students and employees must follow under specific emergencies. If an emergency scenario occurs that is not listed below, the student or employee shall defer to the general reporting instructions listed above. The Security Director and other necessary staff will then decide what steps need to occur to keep the Institute community safe.

a. Armed and Violent Intruders and Burglaries

If a person is suspected of carrying a weapon, is acting violently, or is committing a burglary, the student or employee must notify 911 and the Security Team. If the suspect threatens a student or employee, do not try to disarm the suspect or resist the intruder's instructions. Instead, they should back away from the situation. The Security Director and the security team or other necessary parties will determine whether a warning announcement should be made and whether evacuation or shelter-in-place is necessary. When the Institute is secure, the Security Team will complete an

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incident report and Emergency Preparedness and Response Plan (EP&R plan) detailing the events and forward it to the Security Director.

b. Assaults/Fights

Students and employees must report all assaults and fights to 911 (if necessary) and a member of the Security Team. The Security Team member on duty will try to diffuse the situation if possible. After the situation is under control, the security team member shall partner with the school Director and ask victims/witnesses for their account of the incident and complete an incident report and forward it to the Security Director.

c. Bomb Threat

The person who receives a bomb threat shall immediately call 911 and a member of the Security Team. The Security Team member shall then initiate evacuation procedures. No student or employee may reenter the building until the entire building is declared safe. All employees who receive a bomb threat shall remain calm and obtain as much information from the caller as possible, including (1) the number of bombs; (2) the type of bomb; (3) the location of bombs; and (4) where they are set to explode.

When NFCI is secure, the Security Team member shall complete an incident report and EP&R plan detailing the events and forward it to the Security Director.

d. Hazardous Materials (including chemical spills or leaks) and Biological Threats

Hazardous material events should be treated with the utmost caution. The person experiencing the event shall immediately contact 911 (if necessary) and a Security Team Member and provide the following information: (1) your name; (2) the location of the spill/hazardous materials; (3) injuries requiring medical attention (if any); and (4) nature of the spill/hazardous material – what it is, if known, and how much.

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

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

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

The Security Director, working in conjunction with any other necessary parties, will determine whether a warning announcement should be made and/or if evacuation or shelter-in-place is necessary, depending on the facts of the case. When NFCI is secure, a member of the Security Team shall complete an incident report, detailing the events and forward it to the Security Director.

a. Medical Emergency, Injury, Death

If a medical emergency, injury, or death occurs at the Institute, the person who encounters the situation shall immediately contact 911 (if necessary) and notify a member of the Security Team. The security member will then respond to the scene with the first aid kit (if necessary), call the paramedics (if necessary), and ensure that safety is established and maintained. He or she will also direct someone to look out for and direct the emergency medical responders to the scene if any are called. When NFCI is secure, the security guard on duty shall complete an incident report detailing the events and forward it to the Security Director.

If the incident involves an employee, the employee on duty must also complete an “Incident report” and submit it to Human Resources within 24 hours of the injury. If the employee is

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unable to complete the form, then a security member may complete it.

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

b. Weather

NFCI will contact WCTV television station and post to social media to notify students and employees of closing or delayed openings that are the result of severe weather. The school Director will decide to close or modify the operating hours of the Institute. The school Director will communicate her decision to the Project Coordinator, who will then contact our local media.

Effective 2018 – NFCI will follow all Leon County School emergency closures.

Students and employees, who are at the Institute when severe weather develops, shall remain in the building and proceed to the severe weather shelter areas. The security team trains students and employees where the severe weather shelter areas are located during orientation. If students are with a client, they shall bring that client with them. The Security Team watches out for severe weather watches and warnings and notifies individuals at the Institute via the intercom system to proceed to the shelter area. The security guard on duty will also direct everyone when it is safe to leave the severe weather shelter areas.

c. Fires

NFCI is equipped with fire extinguishers and smoke alarms located throughout the Institute to protect occupants from potential fires. Anyone who witnesses a fire is directed to call 911 and let the Security Team member on duty know of the fire and its location. The Security Team member will then initiate an evacuation of the building. NFCI employees are not required to perform firefighting activities. However, employees trained in fire extinguisher duties may extinguish incipient state fires on their own. Fires larger than the incipient state (larger than the size of an office garbage can) should not be fought. When NFCI is secure, the security team member on duty shall complete an incident report and forward it to the Security Director.

d. Civil Unrest (Major or Minor)

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

e. Terrorist Attack

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

- **Nuclear-** If a nuclear device is detonated, the person who discovers the attack shall immediately call 911 and report the incident to the security guard on duty. The Security Director, working with the Security Team, will then determine whether evacuation of the

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campus or shelter-in-place is necessary. If the attack is far enough away, shelter-in-place may be the best option. The security guard on duty shall shut down all utility systems in the building.

- **Conventional-** The danger from the blast effect of conventional explosive devices is similar to nuclear devices, with a higher rate of survival. If responding to the threat of an imminent blast nearby, the person perceiving the attack shall immediately call 911 and report the incident to the security guard on duty. The Security Director, working with the Security Team, will then determine whether evacuation of the campus or shelter-in-place is necessary.

If the source of the threat is outside, it is likely that the parties shall follow the shelter-in-place procedures. The security guard on duty shall then close all windows and doors to minimize flying glass. All individuals shall assume the duck, cover, and hold a position on the ground. However, if the source of the threat is inside the building, then the security guard on duty shall evacuate the building using the evacuation procedures. In that case, no one shall reenter until the entire building is declared safe by public safety, emergency management, or military authorities.

A. Notification

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

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

1. *Gather Facts:* The Security Director will gather facts from the necessary parties. He will then determine the threat level and impact on the Institute. If he determines that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring at the campus, he will move to the assessment phase.
2. *Assess the Situation:* The Security Director will consult with emergency responders and any necessary parties at the Institute to assess the nature and severity of the incident and appropriate response.
3. *Communicate:* The Security Director will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The Security Director will notify the campus community as quickly as possible, with special consideration given to the timeliness and urgency of the situation, areas or group(s) affected, and the potential for further harm to the community and its members. The notification system may be any combination of the following systems: PA system, Smoke alarms, REMIND notification, local TV station, school social media and/or website. The Security Director will select the method(s) that best reach the community depending on the situation and determine which segment(s) of the community should receive the message. If the situation affects everyone on campus, everyone will be notified. However, if the emergency situation affects only a segment, then only that segment will be notified. The

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Security Director will continually assess the situation to determine if the correct parties were notified and, if beneficial, in what order they should be notified. If necessary, to notify the non-campus community, the Security Director will work with the police to deliver the message to the media.

4. *Ensure that necessary operations are taking place:* The Security Director will also ensure that all applicable safety plans and measures are being implemented if warranted.
5. *Evaluate response:* After responding, the Security Director will assess the effectiveness of the response and whether the response needs to be changed if necessary.

Testing the Emergency Response and Evaluation Procedures

At least once a year, the Security Director tests the Institute’s emergency response and evacuation procedures. The test may be announced, or unannounced, and (1) is scheduled; (2) contain drills; (3) contains exercises; (4) contains follow-through activities; and (5) is designed for the assessment and evaluation of emergency plans and capabilities. After the test occurs, the Compliance Director publicizes the emergency response and evacuation procedures to all students and employees. The Security Director documents for each test a description of the exercise, the date, the time, and whether it was announced or unannounced. The Compliance Director also has requested the local police’s cooperation in informing the Institute about any situation that may warrant an emergency response.

Crime Statistics

This report is prepared to comply with the Clery Act and VAWA. The purpose of the annual disclosure of crime statistics is to make known all reported crimes that occurred on campus or adjacent public property for the past three years. This report is prepared by the Compliance Director, who works in conjunction with the Security Team. They coordinate the collection of data from the Campus Security Director and local law enforcement. Statistics are derived from incident report documentation and the crime log. Reports from the Tallahassee Police Department are also included in this report.

Criminal Offenses			
Offense	Year	On-Campus Property	Public Property
Murder/Non-negligent Manslaughter	2020	0	0
	2021	0	0
	2022	0	0
Negligent Manslaughter	2020	0	0
	2021	0	0
	2022	0	0
Rape	2020	0	0
	2021	0	0
	2022	0	0
Fondling	2020	0	0
	2021	0	0
	2022	0	0
Incest	2020	0	0
	2021	0	0
	2022	0	0
Statutory Rape	2020	0	0
	2021	0	0
	2022	0	0
	2020	0	0
	2021	0	0

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Robbery	2022	0	0
Aggravated Assault	2020	0	0
	2021	0	0
	2022	0	0
Burglary	2020	0	0
	2021	0	0
	2022	0	0
Motor Vehicle Theft	2020	0	0
	2021	0	0
	2022	0	0
Arson	2020	0	0
	2021	0	0
	2022	0	0
Simple Assault	2020	0	0
	2021	0	0
	2022	0	0
Larceny-theft	2020	0	0
	2021	0	0
	2022	0	0
Intimidation	2020	0	0
	2021	0	0
	2022	0	0
Destruction/Damage/Vandalism of Property	2020	0	0
	2021	0	0
	2022	0	0
VAWA Offenses			
Offense	Year	On-Campus Property	Public Property
Domestic Violence	2020	0	0
	2021	0	0
	2022	0	0
Dating Violence	2020	0	0
	2021	0	0
	2022	0	0
Stalking	2020	0	0
	2021	0	0
	2022	0	0
Arrests and Disciplinary Referrals			
Offense	Year	On-Campus Property	Public Property
Arrests: Weapons: Carrying, possessing, etc.	2020	0	0
	2021	0	0
	2022	0	0
Disciplinary Referrals: Weapons, Carrying, Possessing, Etc.	2020	0	0
	2021	0	0
	2022	0	0
Arrests: Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Disciplinary Referrals: Drug Abuse Violations	2020	0	0
	2021	0	0
	2022	0	0
Arrests: Liquor Law Violations	2020	0	0
	2021	0	0
	2022	0	0
Disciplinary Referrals: Liquor Law Violations	2020	0	0
	2021	0	0

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2022	0	0
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The Security Team provides ongoing support to maintain campus security.

Off-Campus Criminal Activity

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

Drug and Alcohol Policy

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

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

Additional information may be found in the Student Catalog, Internal Grievance Procedure. The student catalog is located on the Institute's website.

Sexual Violence Prevention and Awareness Program

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

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

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct as defined for purposes of the Clery Act;
- Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking in Florida;
- Defines what behavior and actions constitute consent to sexual activity in Florida;
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander, including but not limited to recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to

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intervene;

- Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to minimize the risk of potential attacks with the purpose of decreasing perpetration and bystander inaction, increasing empowerment for victims in order to promote safety, and helping individuals and communities address conditions that facilitate violence; and
- Provides students with the Institute’s Sex Discrimination and Sexual Misconduct policy, which contains the information contained in (b)(11) and (k)(2) of 34 CFR § 668.

Sex Discrimination and Sexual Misconduct Policy

Notice of Nondiscrimination

North Florida Cosmetology Institute (the “Institute”) does not discriminate on the basis of race, color, creed, national and ethnic origin, sex, age, religion, disability, sexual orientation, gender identity or another legally protected status in its employment policies, educational programs and activities, or any other area of the Institute. Harassment based on an individual’s legally protected status is a form of prohibited discrimination.

In accordance with Title IX, this policy addresses the Institute’s prohibition of all forms of sex discrimination. Sexual harassment is a form of sex discrimination. Sexual harassment includes a variety of unwelcome behavior of a sexual nature, and in its most severe form, includes sexual violence.

Examples of sexual violence include but are not limited to sexual assault, domestic violence, dating violence, and stalking. This policy discusses “sexual misconduct” when referring to sexual harassment in all forms, including sexual violence.

Questions or concerns about the application of Title IX, sex discrimination, sexual harassment or other forms of sexual misconduct may be directed to the Institute’s Title IX Coordinators:

Kimberly Matthew or Kristen Broadway

Kim@cosmetologyinst.com or Kristen@cosmetologyinst.com

2424 Allen Road, Tallahassee, FL 32312

850-878-5269 or 850-251-8536

The Institute is committed to a safe and healthy environment and, as such, will not tolerate sexual harassment or sexual violence in any form. Sexual assault is a crime and a violation of an individual’s rights and dignity. Sexual assault is not only an act of disrespect, violence, aggression or coercion against an individual but also an attack on the Institute. The Institute is committed to promptly, impartially, and equitably addressing and resolving all reports of discrimination, harassment, or sexual violence. The Institute will promptly respond to complaints of sexual misconduct to stop the conduct, ensure that such actions are not repeated, and address the effects of the misconduct on any individual or the Institute’s learning community. Retaliation against an individual who brings a complaint or pursues legal action or against an individual who serves as a witness in an investigation is prohibited and will not be tolerated.

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

U.S. Department of

Education Office for Civil

Rights Citigroup Center

500 W. Madison Street, Suite 1475

Chicago, IL 60661-4544

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Phone: (312) 730-1560

TDD: (877) 521-2172

Email: OCR.Chicago@ed.gov

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

Scope of Policy

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

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

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

Application of Procedures

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

Definitions

a. Complainant

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

b. Respondent

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

c. Sex Discrimination

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

d. Sexual Harassment

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

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

Actions that can constitute sexual harassment include:

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

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

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

If at any time you are able to answer yes to any of the above questions, you should immediately contact the Director or Institute's Title IX Coordinators Kimberly Matthews or Kristen Broadway at (850) 878-5269.

e. Sexual Violence

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

f. Sexual Assault

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Sexual Assault is any sexual contact, including but not limited to sexual penetration, with another person who does not or cannot give consent. This may or may not include force. For purposes of this Policy, "sexual contact" shall have the same meaning as it has under Florida law and includes, but is not limited to, the intentional touching of an individual's breasts, inner thighs, buttocks, genitals and/or groin area, whether clothed or unclothed; or the coerced touching by an individual of another's intimate parts.

Sexual assault includes, but is not limited to:

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

g. Consent

Consent is words or overt actions by a person clearly indicating a freely given present agreement to perform a particular sexual act with another at the time of the act. Consent can only be given by someone who: acts freely, voluntarily, and with knowledge of the fact and nature of the sexual act involved. Consent is a mutually understood, freely given "yes," not the absence of "no." Consent can be withdrawn at any time. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent.

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

- is incapacitated by drugs or alcohol
- is threatened, coerced or intimidated into submission
- is not conscious
- is physically incapacitated
- is mentally incapacitated
- is not of legal age to consent (16 years old in Minnesota)

Consent cannot be inferred from the following:

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

h. Coercion

Coercion means the use by the actor of words or circumstances that cause the complainant reasonably to fear that the actor will inflict bodily harm upon the complainant or another, or the use by the actor of confinement, or superior size or strength, against the complainant that causes the complainant to submit to sexual contact against the complainant's will. Proof of coercion does not require proof of a specific act or threat.

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Incapacitation

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

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

i. Dating Violence

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

j. Domestic Violence

A felony or misdemeanor crime of violence committed against the victim by a family or household member. "Family or household member" means current or former spouse, parent, child, another blood relative, or persons involved in a significant romantic or sexual relationship, the person with whom the victim shares a child in common, a man and woman if the woman is pregnant, and the man is alleged to be the father, and, persons who presently reside together or who have resided together in the past.

While not exhaustive, the following are examples of conduct that can constitute domestic violence: (1) physical harm, bodily injury or assault; (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or (3) terroristic threats, criminal sexual conduct, or interference with an emergency call.

k. Stalking

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

- Repeated, unwanted, intrusive, and frightening communications by phone, mail, and/or email;
- Repeatedly leaving or sending the unwanted victim items, presents, or flowers;
- Following or lying in wait for the victim at places such as home, school, work, or recreation place;

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- Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets;
- Damaging or threatening to damage the victim's property;
- Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth;
- Unreasonably obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, contacting the victim's friends, family, work, or neighbors, etc.

I. Retaliation

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

Title IX Coordinator

The Institute has designated Kristen Broadway and Kimberly Matthews as having overall responsibility for coordinating the Institute's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator will ensure Institute policies and procedures and relevant state and federal laws are followed, ensure appropriate training, prevention, and education efforts take place, and oversee the school's response to reports and complaints of sex discrimination and harassment, including monitoring compliance with procedural requirements and timelines outlined in this policy, coordinate the school's efforts to identify and address any patterns or systemic problems revealed by such reports and complaints and assist in answering any other questions related to these policies and procedures.

Kimberly Matthew or Kristen Broadway
Kim@cosmetologyinst.com or Kristen@cosmetologyinst.com
2424 Allen Road, Tallahassee, FL 32312
850-878-5269

Confidentiality

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

The Institute recognizes that some individuals may wish to keep their concerns confidential. Because of the Institute's obligation to investigate and respond to reports, the Institute cannot guarantee complete confidentiality. It is also important to understand that responsible employees are not confidential resources and are obligated to report to the Institute any information they receive about sex discrimination or sexual misconduct. "Responsible employees" are those who: (1) have the authority to take action to redress harassment, (2) have a duty to report to appropriate Institute officials sexual misconduct or any other misconduct by students or

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employees, or (3) a student could reasonably believe this authority or responsibility. The Institute's "Responsible Employees" are listed in the faculty and administration section of the Institute's student catalog.

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

When a report of sexual misconduct is made to the Institute, every effort will be made by the Institute to ensure confidentiality to the extent possible, subject to the Institute's need to respond to such complaints and to report campus crimes in accordance with applicable federal and state law. The Institute will protect a complainant's confidentiality to the extent possible, even if the complainant does not specifically request confidentiality. While the Institute is obligated to provide the Institute community with general information regarding incidents of sexual assaults and certain other crimes occurring on campus, publicly available recordkeeping, including Clery Act reporting and disclosures

such as the annual security report and daily crime log, will not include names or other information that may personally identify either the complainant or the respondent.

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

Requests for confidentiality or non-action

Upon receiving a report of a violation of this policy, the Institute will seek the consent of the complainant to proceed using the procedure(s) set forth herein. The Institute strives to honor any request that a complainant may make to keep any such report confidential or for the Institute not to investigate or respond to such a report, but complying with any such request will limit the Institute's ability to meaningfully respond to a report. In deciding whether the complainant's request can be honored, the Institute will weigh the request against the seriousness of the alleged misconduct, the Institute's obligation to maintain a safe and nondiscriminatory learning environment for its students, and the Institute's commitment to addressing and preventing the recurrence of misconduct. This determination will be made by the Title IX Coordinator.

If the Institute decides that it has an obligation to investigate and address the alleged policy violation, it will notify the complainant before proceeding. The Institute will maintain confidentiality to the extent reasonably possible, subject to its need to conduct an investigation and respond to the situation in accordance with this policy and applicable federal and state law. In all cases, the individuals investigating and responding to incidents or allegations of misconduct will share information about the incident or allegation, investigation, and response within and outside the Institute only on a "need to know" basis.

However, complete confidentiality generally will not be possible.

Confidential Community Resources

Confidential communications are those communications that legally cannot be disclosed to another person without the consent of the individual who originally provided the information, except under very limited circumstances, such as allegations involving the physical or sexual abuse of a child or vulnerable adult or an imminent threat to the life of any person. The Institute recognizes that some

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Individuals may wish to keep their concerns confidential and that the Institute cannot ensure confidentiality. The Institute encourages individuals who have experienced sexual misconduct to talk to someone about what happened. Community resources may be able to provide assistance and support while ensuring confidentiality. Some of these resources include:

- Florida Domestic Violence Hotline: 1-800-500-1119
- The National Domestic Violence Hotline: 1.800.799.SAFE (7233)
- Florida Abuse Hotline (children and families): 1-800-96-ABUSE (22873)
- Drug and Alcohol Treatment Hotline: 1-800-662-HELP (4357)
- Refuge House Abuse Hotline: 1-850-681-2111
- Apalachee Center for Counseling: 1-866-472-3941
- Tallahassee Police Department: 850-891-4200 or Emergency 911

Non-Participation and Silence

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

Interim Measures and Ongoing Accommodations

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

- Establishing a "no contact" order between individuals
- Prohibiting an individual from being on campus or at Institute events
- Changing a student's or employee's status
- Changing work, class, or other schedules
- providing assistance with academic issues.
- Providing excused absences for 1-5 days.
- Issuing a timely warning of any substantial threat or danger to the community.
- Making information about and providing assistance with respect to orders for protection and harassment restraining orders, including enforcement of such orders.
- For students who choose to transfer to another institution: At the student's request, provide information about resources for victims of sexual assault at the institution to which the student is transferring.

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

To request an interim measure or accommodation, individuals should contact the Director. The

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

Waiver of Drug/Alcohol Violations

The Institute strongly encourages reporting instances of violations of this policy, including assault, dating or domestic violence or stalking. Consequently, individuals who report such information, and individuals who participate in an investigation into allegations of violations of this policy, will not be disciplined by the Institute for any violation of its drug and alcohol policies in which they might have engaged in connection with the reported incident.

No Retaliation

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

Treatment of the Parties

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

Conflicts

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

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Timelines

Generally, the Institute will complete the investigation and adjudication processes outlined below within sixty (60) calendar days of receiving a complaint under this policy. Some complaints may, however, take longer to investigate and resolve. The Institute is committed to investigating and resolving all matters as promptly as possible and strives to meet the timing requirements set forth in these procedures. However, in some cases, extensions to the timing requirements may be necessary. The Title IX Coordinator may grant reasonable extensions to timing requirements in these procedures when warranted by the circumstances. For example, extensions of timing requirements may be granted if the Institute has been asked to delay its procedures during the evidence-gathering stage of a criminal investigation, if the reported allegations are particularly complex (including, without limitation, allegations that involve multiple incidents and/or multiple individuals), or if witnesses are not on campus due to a scheduled break or for another reason. Extensions will be no longer than necessary. The complainant and respondent shall receive written notice of any extensions and the reason for the extension.

Reservation of Flexibility

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

Written Notification

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

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

This policy: (1) will be distributed annually to all students and employees of the Institute, (2) be posted on the student bulletin boards, and (3) will be provided by the Institute to any student or employee who reports to the Institute that the student or employee has been a victim of sexual violence.

Reporting Sex Discrimination or Sexual Misconduct

a. Reports to Law Enforcement

Individuals who believe they have been subjected to criminal sexual misconduct are encouraged to

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notify local law enforcement authorities and will be assisted by campus authorities in notifying such authorities if the individual so chooses. The Institute will comply with an individual's request for assistance in notifying authorities. Individuals are encouraged to report the incident to the Tallahassee Police Department.

If you would like to report sexual violence to law enforcement, the Tallahassee Police Department is located at 234 E 7th Ave, Tallahassee, FL 32303, and can be contacted by calling 850-891-4200. Call **911** to report a crime in process or if an officer is needed at the scene. To report a crime that is a non-emergency not requiring a police officer at the scene, call **311** or 850-606-5800.

Reporting to law enforcement is not necessary for the Institute to proceed with an investigation.

Harassment Orders, Protective Orders, and No-Contact Orders

Individuals who would like to avoid contact with another individual have several options available to them, including seeking a harassment restraining order or protective order from a civil court or requesting a no-contact order from the Institute.

A harassment restraining order is a court order issued against an alleged harasser, regardless of the relationship between the alleged harasser and the alleged victim, which orders the harasser to stop harassing the victim and/or to have no contact with the victim. The Institute does not issue harassment restraining orders, but one can be obtained by making an application to the Leon County Clerk of Court or online at www.myflcourtagency.com.

An order for protection is a civil court order that protects one family or household member from domestic abuse by another family or household member. The Institute does not issue orders for protection, but one can be obtained by making an application to the Leon County Clerk of Court or online at www.myflcourtagency.com. An order of protection can be enforced by contacting local law enforcement. The Institute will fully cooperate with any order for protection issued by a criminal, civil, or tribal court.

Crime Victims Bill of Rights

Pursuant to state law, victims of crime must be informed of their rights under the Crime Victims Bill of Rights. The following is a summary of crime victims' rights under Minnesota law.

When a crime is reported to law enforcement, victims have the right to:

- Request that their identity be kept private in reports available to the public;
- Be notified of crime victim rights and information on the nearest crime victim assistance program or resource;
- Apply for financial assistance for non-property losses related to a crime;
- Participate in the prosecution of the case, including the right to be informed of a prosecutor's decision to decline prosecution or dismiss their case;
- Protection from harm, including information about seeking a protective or harassment order at no cost;
- Protection against employer retaliation for taking time off to attend protection or harassment restraining order proceedings; and
- Assistance from the Crime Victims Reparations Board and the Commissioner of Public Safety.

Victims of domestic abuse also have the right to terminate a lease without penalty. Victims of sexual assault have the right to undergo a confidential sexual assault examination at no cost, make a confidential request for HIV testing of a convicted felon, and are not required to undergo a polygraph examination in order for an investigation or prosecution to proceed. In cases of

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domestic abuse and violent crime where an arrest has been made, victims also have the right to be provided notice of the release of the offender, including information on the release conditions and supervising agency.

Complete information about crime victims' rights can be found at:

b. Reports to the Institute

The Institute encourages anyone who has experienced or knows of an incident of sexual discrimination or misconduct to report the incident to the Institution. Reports should include as much information as possible to enable the Institute to respond appropriately. Reports can be made by telephone, email, or in-person to the individuals listed below. Incident reports are also available from any member of the Security Team via phone or email.

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

- Security Director: John Harrington - admin@cosmetologyinst.com - 850-219-9222 or 850-294-3310
- NFCI Director: Anita Coppedge – admission@cosmetologyinst.com - 850-878-5269
- Title IX Coordinators: Kristen Broadway or Kimberly Matthews 850-878-5232 or 850-251-8536
Kristen@cosmetologyinst.com or Kim@cosmetologyinst.com
- Compliance Directors: Kristen Broadway and/or Stephane Gutierrez - 850-878-5269 -
Kristen@cosmetologyinst.com or stephanie@cosmetologyinst.com

Anonymous Reports

The Institute accepts anonymous reports by submitting a complaint through the internal student complaint procedure. The Director will receive the complaint submitted through the internal complaint procedure and forward it to the Title IX Coordinator.

The individual making the report is encouraged to provide as much detailed information as possible to allow the Institute to look into the report and respond as appropriate. The Institute may be limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable the Institute to conduct a meaningful and fair investigation. Additionally, the Institute cannot guarantee complete confidentiality because it may have a legal obligation to respond to an anonymous report. See the "Confidentiality" section above for further information related to requests for confidentiality.

INCIDENTS AND COMPLAINTS INVOLVING SEXUAL VIOLENCE

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

Preservation of Evidence

It is important to preserve evidence that may be necessary to the proof of sexual assault, dating violence, domestic violence, or stalking or which may be helpful in obtaining a protective order. To preserve evidence, do not change clothes, bathe, douche, or brush your teeth. This is important for the evidence-collection process that will occur at the hospital. Individuals should go to the local hospital or emergency room to obtain a medical exam and preserve evidence that may be necessary for criminal prosecution as soon as possible. If you decide to make a report with the police, it is best

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for evidence collection to occur within 96 hours of the sexual assault. Keep in mind, though, that evidence collection does not require you to make a police report, but it does help preserve the evidence if you later decide to file a police report.

Additional resources are set forth below in the section entitled “Resources For Any Person Impacted by Sexual Violence.”

The institution will provide complete and prompt assistance, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with incidents of sexual violence, including sexual assault.

Immediate and On-Going Assistance to Survivors of Sexual Violence

The Institute will support any person adversely impacted by sexual violence. Both the Institute and the community provide a variety of resources to assist and support individuals who have experienced sexual violence. These resources, both immediate and ongoing, are available to all persons irrespective of their decision to file a complaint with the Institute or make a report to law enforcement. Support services include, but are not limited to, referring the individual to appropriate, fair, and respectful counseling and support services, making changes to academic, living, and/or working arrangements to protect the individual from contact with the alleged perpetrator, assistance in filing a criminal complaint, providing information about restraining orders and other measures as set forth above in the section entitled, “Interim Measures and Ongoing Accommodations.”

Resources For Any Person Impacted By Sexual Violence

Tallahassee Memorial Hospital provides Sexual Assault Resources Services (SARS) assistance to victims of rape and sexual assault through area hospital emergency departments 24 hours per day. Sexual Assault Nurse Examiners (SANEs) perform a special exam and collect evidence in a “rape kit.” In addition to answering any questions, SANEs will carry about a special exam that involves:

- Collecting and saving evidence that will be needed to report sexual assault to law enforcement
- Evaluating risk for pregnancy and discussing safe prevention options
- Evaluating the risk of contracting a sexually transmitted infection and offering medication to reduce that risk
- Further evaluating and documenting any injuries
- Providing resources to help during your recovery. This will include advocate services, agencies for medical follow-up, information about reporting this crime to law enforcement, information about the Crime Victims Reparations Fund and many other resources

Choosing to be seen by a SANE is about your health and safety; you have the right to decline any part of the exam at any time. You do not need to decide if you want to report an incident of sexual assault to law enforcement right away. You can discuss your options for reporting with your SANE, a sexual assault advocate, or your friends and family. If you decide to report after you leave the hospital, the evidence collected during the exam will be saved for up to three (3) months. If you have already reported your assault, your SANE will make sure the correct law enforcement agency is made aware that evidence was collected.

The county in which you were assaulted is required by law to pay for your forensic exam. If you have injuries that require medical care, such as stitches or x-rays, your insurance will be billed if that is possible. Any charges beyond this will be covered by the hospital at which you were seen.

Students and employees who feel they have been the victim of any form of sexual

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violence may also wish to seek support or confidential counseling from any of the following resources.

Domestic Violence Hotline 800-621-HOPE (4673), **Victim Advocates RAINN – Rape, Abuse & Incest National Network** 800-656-HOPE (4673)
Emergency - 9-1-1
Leon County Sheriff's Office - (Non-Emergency) - 850-606-3300
Tallahassee Police Department -(Non-Emergency) -850-891-4200
Refuge House - (Shelter and assistance for victims of domestic violence and sexual assault)
24-Hour Hotline - 850-681-2111
211 Big Bend Hotline - 2-1-1 or 850-617-NEED - 850-921-4020 (TTY)
State Attorney's Office -850-606-6000
Worklife Matters – 800-386-7055

The Institute does not have professional counselors or pastoral counselors on-site, but any member of the security team will help guide a student or employee to the necessary resource.

Complaints Involving Sexual Violence

Complaints are generally initiated by individuals who believe that their rights under this policy have been violated, but any individual may initiate the complaint procedure. In addition, the Institute reserves the right to move forward with a complaint resolution process to protect the safety and welfare of the community, even if the complainant chooses not to make or move forward with a complaint. Generally, the Title IX Coordinator will make a determination of whether the Institute will move forward with a complaint resolution process in the absence of a complaint filed by the complainant. If the Institute decides that it has an obligation to move forward with a complaint resolution process, it will notify the complainant before proceeding. Complaints of sexual misconduct should be made through:

Contact information:

- Security Director: John Harrington - admin@cosmetologyinst.com - 850-219-9222 or 850-294-3310
- NFCI Director: Anita Coppedge – admission@cosmetologyinst.com - 850-878-5269
- Title IX Coordinators: Kristen Broadway or Kimberly Matthews 850-878-5232 or 850-251-8536
Kristen@cosmetologyinst.com or Kim@cosmetologyinst.com
- Compliance Directors: Kristen Broadway and/or Stephane Gutierrez - 850-878-5269 -
Kristen@cosmetologyinst.com or stephanie@cosmetologyinst.com

Institute's Resolution Process for Complaints Involving Sexual Violence

Complaints of a violation of this Policy received by the Institute will be processed either according to the following Resolution Process for Complaint Involving Sexual Violence or the Formal or Informal Resolution Process for Incidents and Complaints of Sexual Misconduct that Do Not Involve Sexual Violence, depending on the nature of the allegations. The following process shall generally apply to complaints of a violation of this Policy received by the Institute that involve allegations of sexual violence, including sexual assault, dating violence, domestic violence, and stalking, regardless of where the alleged incident occurred.

The Institute's resolution process will be conducted by officials who receive annual training on issues related to sexual harassment, including sexual assault, dating violence, domestic violence, and stalking, and on how to conduct a resolution process that protects the safety of victims and promotes accountability. The annual training includes but is not limited to, the following topics: legal requirements for handling complaints of sexual misconduct, relevant evidence and how it should be used, proper techniques for questioning witnesses, basic rules for conducting proceedings, avoiding actual or perceived conflicts of interest, and the impact and challenges of

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trauma in investigating and adjudicating allegations of misconduct.

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

a. Advisors

The complainant and the respondent have the right to be assisted by an advisor of their choice, including an attorney, during any institutional disciplinary proceeding or related meeting, as long as the advisor acknowledges in writing the below guidelines for advisors. An advisor who is not a potential witness in the case is recommended.

Guidelines for advisors are:

- The purpose of the advisor is to support a student in the complaint process. Advisors should be chosen for their ability to assist a student with the process.
- Advisors may confer with their advisees, but they may not actively participate in the complaint resolution process. The advisor may accompany the complainant or respondent to all meetings relating to the complaint resolution process. The advisor may not appear in lieu of the complainant or respondent or speak on their behalf in either in-person or written communications to the Institute. The advisor may not communicate directly with the investigator(s), adjudicator(s), appellate officer(s), the Title IX Coordinator, or any other school official involved in the complaint resolution process and may not interrupt or otherwise delay the complaint resolution process.
- The investigation file or other information provided to a party, in any case, may be made available to his or her advisor with the written permission of the involved student who has chosen the advisor, subject to the same limitations as those placed upon the parties and conditioned upon the advisor's agreement to maintain the confidentiality of student education records or other confidential information.
- Violations of confidentiality or other forms of interference with the complaint procedure by the advisor may result in the disqualification of an advisor.
- The Institute will provide the parties information regarding the selection of an advisor by another party, including whether the other party's advisor is an attorney.

b. Investigation

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

a. Appointment of Investigator(s)

The Title IX Coordinator, or his or her designee, will appoint one or more investigators. The complainant and the respondent will be notified in writing of the identities of the investigator(s) assigned to their case. As discussed above, each investigator assigned under this policy will have received, at a minimum, annual training on issues related to sexual violence, including how to conduct an investigation that protects the safety of victims and promotes accountability. The complainant or respondent may request the removal of an investigator on the grounds of personal bias or another conflict of interest. See the "Conflicts" section above. Such requests may be made by submitting a written statement to the Title IX Coordinator, setting forth the basis for the challenge no later than two (2) business days after receiving notice of the identity of the investigator(s) assigned to the matter. The Title IX Coordinator will determine whether to accept or

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deny the challenge. If the request is accepted, a replacement will be appointed, and notice will be provided to the complainant and respondent. The decision of the Title IX Coordinator with regard to the challenge is final and is not appealable.

b. Complainant's Account

The investigator(s) shall interview the complainant to obtain the complainant's account of the alleged misconduct or to verify the information the complainant has already provided in his or her report or complaint. In addition, the complainant shall be invited to advise the investigator(s) of any witnesses he/she believes should be interviewed and/or other evidence that he/she believes should be reviewed by the investigator(s). The investigator(s) may also request additional information from the complainant. The complainant may decide when (or when not) to repeat a description of the alleged misconduct and has the right to decline to participate in the complaint resolution procedure. If, at any time, the complainant declines to participate in the process, the Institute's ability to meaningfully investigate and resolve a complaint may be limited. In such cases, the Institute will proceed with the complaint resolution procedure, if possible, to do so without the complainant's participation and will make a determination based upon the information available as set forth above in the section entitled "Non- Participation and Silence."

c. Respondent's Account

In a separate meeting, the investigator(s) shall interview the respondent to obtain the respondent's account of the alleged misconduct. In addition, the respondent shall be invited to advise the investigator(s) of any witnesses he/she believes should be interviewed and/or other evidence that he/she believes should be reviewed by the investigator(s). The investigator(s) may also request additional information from the respondent. The respondent has the right to decline to participate in the complaint resolution procedure. In such cases, the Institute will proceed with the complaint process and will make a determination based on the information available, as set forth in the above section entitled "Non-Participation and Silence."

d. Witness Statements, if applicable

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

e. Other Evidence, if applicable

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

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

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

g. Compilation of Investigation File

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

- ☐ The written complaint;
- The investigator's summary of the investigation.

h. Parties' Review of the Investigation File

The investigation file and any other information that will be shared with school officials for adjudication of a matter will be made available for review by the complainant and respondent. Confidential information in the investigation file that cannot be shared with the parties or the adjudicator(s) may be redacted from the file in accordance with applicable federal and state law.

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The investigation file cannot be copied or removed from the location provided by the Institute for review purposes.

Following a review of the investigation file, both parties shall have the opportunity to provide a written statement containing any comments or additional information the parties would like the adjudicator(s) to consider. The written statement shall not exceed 2,000 words in length. The written statement must be submitted within ten (10) calendar days after the investigation file is made available to the parties. The parties shall have an opportunity to review the written statement submitted by the other party and may submit a written rebuttal statement not to exceed 1,000 words in length. The rebuttal statement must be submitted within five (5) calendar days after a party's receipt of the other party's initial written statement.

i. Timing of Investigation

The Institute will attempt to complete the investigation process within twenty (20) business days of the initiation of the complaint, but, as discussed in the Timelines Section above, in some cases, more time will be required. For example, if a criminal report has been filed, the Institute's procedures, including any investigation, may be temporarily delayed to allow law enforcement to gather evidence. Such delay may only occur at the request of law enforcement and shall not be any longer than necessary for law enforcement to complete the gathering of evidence. In no case will the Institute wait for the conclusion of a criminal investigation or criminal proceeding to begin its own investigation. Any extension of the investigation process will be no longer than necessary, and the reason for the extension will be shared with the parties in writing.

c. Adjudication

Upon completion of the investigation, the Institute Director will review the investigation and make a determination as to whether it is more likely than not that a violation of this Policy occurred and, if so, what sanctions are warranted. The Institute reserves the right to appoint additional adjudicators to assist in making a determination. As discussed in the introduction to the Institute's Resolution Process for Complaints Involving Sexual Violence Section above, each adjudicator assigned under this policy will have received, at a minimum, annual training on issues related to sexual violence, including how to conduct an adjudication process that protects the safety of victims and promotes accountability.

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

a. Adjudicator's Review of the Investigation File

The investigation file will be made available to and reviewed by the adjudicator(s) following confirmation of his, her or their appointment. The investigation file shall consist of the following: complaint, investigator's summary of the investigation, and the written statements of the parties. Upon review of the investigation file, the adjudicator(s) may, at their discretion, request additional investigation by the investigator(s) or review specific evidence or information obtained by the investigator.

The Title IX Coordinator will ensure that the complainant and respondent have been given equivalent opportunities to present relevant information for consideration in the investigation and

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adjudication process. At any time during the investigation and adjudication phases, the Title IX Coordinator may review the investigation summary, written statements of the parties, and other evidence to determine whether additional investigation is necessary, whether statements and documents received by the investigator are within the appropriate scope of the investigation, and/or information or other evidence contained in the investigation file should be redacted.

b. Determination

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

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

c. Sanctions and Remedies

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

Students

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

- warning,
- required assessment or counseling,
- restriction of privileges,
- no future admission,
- conditions upon the individual’s presence or campus,
- no trespass or no-contact order(s),
- suspension, ranging from one (1) to sixty (60) days, with reinstatement requirements including behavioral contracts, required attendance at educational programs, required assessment or counseling
- involuntary withdrawal, ranging from six (6) days to one (1) year, with reentry requirements including behavioral contracts, required attendance at educational programs, required assessment or counseling, and conditions upon an individual’s presence on campus.
- Expulsion.

Institute Personnel

Sanctions for Institute personnel deemed to have violated this policy may include the following, depending on the seriousness of the violation. Each of these sanctions may be

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imposed alone or in combination for a person responsible for sexual misconduct, including for violations of the dating violence, domestic violence, sexual assault, or stalking provisions of this policy:

- performance counseling on appropriate behavior and expectations,
- warning (oral or written),
- required assessment or counseling,
- conditions upon an individual's presence on campus
- no trespass or no-contact order(s),
- unpaid suspension, ranging from one (1) day to two (2) years, with reinstatement requirements
- suspension of promotion and salary increments, ranging from six (6) months to two (2) years, with reinstatement requirements including behavioral contracts, required attendance at educational programs, required assessment or counseling,
- suspension or withdrawal of privileges, ranging from one (1) day to two (2) years, with reinstatement requirements including behavioral contracts, required attendance at educational programs, required assessment or counseling
- change in duties,
- demotion and/or termination of employment,
- ineligible for rehire following termination.

Third-Parties

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

- conditions upon the individual's presence on campus or at Institute events,
- no trespass and no contact orders, or
- other steps deemed necessary to protect the Institute community.

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

d. Notice of Outcome

The parties shall receive a notice of the outcome, including the violation, the sanctions imposed, the reason for the determination, how evidence was weighed, how information supports the result, the evidence applied, procedures for appeal, and the date. Suppose there is not a sufficient basis for establishing that it is more likely than not that a violation of this policy occurred. In that case, the parties will be notified, including the rationale for the result. The complainant will be informed of other procedures for resolving the complaint and other resources available to the complainant.

Typically, the Institute will complete the adjudication process and provide notice of the outcome within twenty-five (25) calendar days of completing the investigation. In some cases, more time may be required.

d. Appeals

Following the parties' receipt of the Notice of Outcome, the complainant or respondent may request an appeal of the decision. The request for an appeal must be submitted in writing to the Title IX Coordinator within five (5) business days of receiving notice of the outcome. Failure to file a timely appeal constitutes a waiver of any right to an appeal.

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

- (i) New or newly discovered evidence which may substantially affect

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the outcome of the adjudication; or

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

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

Suppose the Title IX Coordinator or designee determines that the appealing party has demonstrated it is more likely than not that one of the above grounds for appeal is satisfied. In that case, the matter will be referred to the Executive Director for reviewing the investigation file. Suppose the grounds for appeal relate to the investigation or warrant additional investigation. In that case, the Executive Director may refer the matter for further investigation before proceeding. Upon reviewing the matter, the Executive Director shall utilize the same process as required for all adjudications under this policy.

Suppose there is no adequate reason to establish that one or more grounds for appeal have been satisfied. In that case, the Title IX Coordinator will dismiss the appeal with written notification to the parties of this decision. This decision is final and is not appealable. If there are grounds for appeal, the Title IX Coordinator or designee will provide written notification to all parties of the determination within ten business days of the filing of the appeal.

Initiation of Complaint

Complaints are generally initiated by individuals who believe that their rights under this policy have been violated. Still, any individual may initiate the complaint procedure. The Institute reserves the right to move forward with a complaint resolution process to protect the safety and welfare of the community, even if the complainant chooses not to make or move forward with a complaint. Generally, the Title IX Coordinator will decide whether the Institute will move forward with a complaint resolution process in the absence of a complaint filed by the complainant. Suppose the Institute decides that it has an obligation to move forward with a complaint resolution process. In that case, it will notify the complainant before proceeding. When a complaint is made under this policy, the Institute may ask that the report is confirmed in a written and signed complaint form. The Title IX Coordinator or other Institute official is available to assist in the completion of this form.

Formal and Informal Resolution Options

There are two avenues for resolving an alleged policy violation in cases that do not involve sexual violence: formal and informal resolution. If a complaint is processed informally, the complainant, respondent, or Institute has the option to move the complaint to the formal process at any time. Informal resolution is never appropriate in cases involving allegations of sexual assault.

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

a. Informal Process and Resolution

If an informal resolution is pursued, the Title IX Coordinator (or her/his designee) will attempt to facilitate a resolution that is agreeable to all parties. Under the informal process, the Institute will

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only conduct such fact-finding as is useful to resolve the conflict and as is necessary to protect the interests of the parties, the Institute, and the Institute community.

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

Any informal resolution must adequately address the concerns of the complainant, as well as the rights of the respondent and the overall intent of the Institute to stop, remedy, and prevent policy violations. To facilitate such a resolution, the Title IX Coordinator will make a recommended resolution that may include a variety of institutional responses or requirements, including, but not limited to, counseling or education on appropriate behavior, a requirement for behavioral changes, a written warning and/or other disciplinary actions, up to and including termination of employment for employees or suspension or expulsion for students.

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

b. Formal Process

If a complaint is not processed through the Informal Processor is not resolved through the Informal Process outlined above, the complaint shall be processed according to the formal procedure outlined below.

1. Investigation

The Institute will complete a thorough, fair, and impartial investigation. The investigation will be conducted by one or more investigators appointed by the Title IX Coordinator. At least one investigator shall be appointed for each case. The complainant and the respondent shall receive written notice of the identity of the investigator(s) assigned to investigate the complaint. Either party may request the removal of an investigator on the grounds of personal bias or another conflict of interest. See the "Conflicts" section above. Such requests may be made by submitting a written statement to the Title IX Coordinator, setting forth the basis for the challenge no later than two (2) business days after receiving notice of the identity of the adjudicator(s) assigned to the matter. The Title IX Coordinator will determine whether to accept or deny the challenge. If the request is accepted, a replacement will be appointed, and notice will be provided to the complainant and respondent. The decision of the Title IX Coordinator with regard to the challenge is final and is not appealable.

The investigator(s) shall interview the complainant, respondent, and/or other witnesses and may request additional information from the complainant, respondent, or others. In addition, the complainant and respondent shall have an opportunity to advise the investigator(s) of any witnesses they believe should be interviewed and/or other evidence that they believe should be reviewed by the investigator(s). The investigator may interview witnesses who were not suggested by either party. Normally, the Institute will complete the investigation process within twenty (20) business days of the initiation of the complaint or the referral from the informal process, but in some cases, more time will be required.

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2. Adjudication

The Institute will complete a thorough, fair, impartial, and timely adjudication process. The complainant and the respondent shall receive written notice of the identity of the adjudicator(s) assigned to adjudicate the complaint, and the Title IX Coordinator reserves the right to appoint additional adjudicators to assist in making a determination. Either party may request the removal of an adjudicator on the grounds of personal bias or another conflict of interest. See the "Conflicts" section above. Such requests may be made by submitting a written statement to the Title IX Coordinator, setting forth the basis for the challenge no later than two (2) business days after receiving notice of the identity of the adjudicator(s) assigned to the matter. The Title IX Coordinator will determine whether to accept or deny the challenge. If the request is accepted, a replacement will be appointed, and notice will be provided to the complainant and respondent.

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

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

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

3. Notice of Outcome

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

4. Appeals

Following the parties' receipt of the Notice of Outcome, the complainant or respondent may request an appeal of the decision. The request for an appeal must be submitted in writing to the Title IX Coordinator within five (5) business days of receiving notice of the outcome. Failure to file a timely appeal constitutes a waiver of any right to an appeal.

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

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- i. New or newly discovered evidence which may substantially affect the outcome of the adjudication; or
- ii. There was a procedural error that substantially affected the result of the adjudication.

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

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

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

ALTERNATIVE PROCEDURE

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

Office for Civil Rights,
Atlanta Office
U.S. Department of Education
61 Forsyth Street S.W., Suite 19T10
Atlanta, GA 30303-8927
Telephone: (404) 974-9406
Facsimile: (404) 974-9471
Email: OCR.Atlanta@ed.gov

Registered Sex Offender Notification

In compliance with federal law, The Institute gives notice to students where law enforcement agency information concerning registered sex offenders may be obtained. Information about registered Level 3 sex offenders may be obtained from the <http://offender.fdle.state.fl.us>