

D'JAY'S INSTITUTE OF COSMETOLOGY & ESTHIOLOGY

2018 ANNUAL SECURITY REPORT

**10120 Red Oak Drive
Baton Rouge, LA 70815
(225) 272-6595**

www.djaysinstitute.com

Published January 18, 2019

Table of Contents

SAFETY & SECURITY INFORMATION.....1

- A. Timely Warnings 1
- B. Reporting the Annual Disclosure of Crime Statistics..... 1
- C. Reporting of Criminal Offenses..... 1
- D. Confidential Reporting 2
- E. Access Policy 2
- F. Campus Security Authority and Jurisdiction 2
- G. Security Awareness Programs..... 2
- H. Criminal Activity Off Campus..... 3
- I. Emergency Response Preparation and Evacuation 3
- J. Fire Prevention and Workplace Hazards..... 6
- K. Alcoholic Beverages or Controlled Substances..... 6
- L. Alcohol and Substance Abuse Education 6
- M. Sexual Misconduct Policies & Procedures..... 7
- N. Sexual Offender Registration..... 7

CAMPUS CRIME REPORT.....8

DRUG FREE SCHOOL POLICY.....9

CAMPUS SEXUAL MISCONDUCT POLICIES & PROCEDURES 13

- 1. Introduction 13
- 2. Scope of the Policy..... 13
- 3. Prohibited Conduct 13
- 4. Options for Assistance Following an Incident of Sexual Misconduct..... 13
 - Reporting Incidents of Sexual Misconduct.....13
 - Support Services Available.....14
 - Evidence Preservation14
- 5. Title IX Coordinator 15
- 6. Reporting Policies and Protocols 15
 - Reporting to the Institute.....15
 - Reporting to Law Enforcement15
 - Reporting of Crimes & Annual Security Reports16
 - Timely Warnings.....16
 - Third-Party and Anonymous Reporting.....16
 - No Retaliation.....16
 - Coordination With Drug Free School Policy16
- 7. School Policy on Confidentiality 16
 - Privileged and Confidential Communications – Professional & Pastoral Counselors.....17
 - Reporting to “Responsible Employees”.....17
 - Reporting to Title IX Coordinator.....18
 - Requesting Confidentiality: How the Institute Will Weigh the Request and Respond.....18
 - Miscellaneous19
- 8. Investigation Procedures and Protocols 20
 - Notice.....20
 - Voluntary Resolution20
 - Formal Investigation Process21

Time Frame for Investigation	21
Investigation Report.....	21
9. Grievance/Adjudication Procedures.....	22
Hearing Panel	22
Advisors.....	22
Written Submissions.....	22
Hearing Procedures.....	22
Panel Determinations/Standard of Proof.....	23
10. Sanctions and Other Remedies.....	24
11. Records Disclosure	25
12. Education and Prevention Programs.....	25
Definitions of Sexual Misconduct under Louisiana Law	25
Bystander Intervention	29
Risk Reduction.....	29
13. Amendments.....	30
Definitions of Key Terms	31

D'JAY'S INSTITUTE OF COSMETOLOGY & ESTHIOLOGY
SAFETY & SECURITY INFORMATION

Campus safety and security are important issues at D'Jay's Institute of Cosmetology & Esthology. Our goal is to provide students with a safe environment in which to learn and to keep students, parents, and employees well informed about campus security. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or Clery Act, requires institutions of higher education to provide students and families with the information they need to make informed decisions. The following policies and procedures are established to comply with the Clery Act.

A. Timely Warnings

In the event that a situation arises, either on or off campus, that, in the judgment of the Director constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The Director will immediately notify the Institute community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring at the Institute, unless issuing a notification will compromise efforts to contain the emergency. The warning will be issued through the most effective and efficient means available and may include instant messaging to students and Institute employees. Notices may also be posted in the common areas throughout the Institute. Anyone with information warranting a timely warning should report the circumstances to the Director by phone at (225) 272-6595 or in person at the Institute.

B. Reporting the Annual Disclosure of Crime Statistics

The Institute prepares this report to comply with the Clery Act. The full text of this report can be located on our web site at: www.djaysinstitute.com. This report is prepared in cooperation with the local law enforcement agencies around our campus.

Campus crime, arrest and referral statistics include those reported to the Baton Rouge Police, designated campus officials (including but not limited to the Director), and other law enforcement agencies.

Each year notification is made to all enrolled students and employees that provides the web site to access this report. Copies of the report may also be obtained in person from the Director or by calling (225) 272-6595. All prospective employees may obtain a copy from the Director.

C. Reporting of Criminal Offenses

D'Jay's Institute of Cosmetology & Esthology encourages anyone who is the victim or witness to any crime or other emergency to report the incident as soon as possible. Contact the Director at (225) 272-6595 (non-emergencies) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen loitering inside or around the Institute buildings should be reported to the Director.

Reports may also be made to the Institute's Campus Security Authorities, or CSAs. Under Federal law, the definition of CSAs include individuals/offices designated by the Institute as those to whom crimes should be reported; and officials with significant responsibility for student and campus activities. If an Institute staff member has "significant responsibility" for students and campus activities outside of the classroom, and students potentially could report a crime / incident to that staff member, then they are a CSA. CSAs are defined by function, not title. For the D'Jay's Institute of Cosmetology & Esthology, CSAs include the Institute's President, Director, Vice-President, Financial Director, Financial Aid Director, Admissions, Front Office and Education Director.

All incidents shall be recorded in the Institution's Incident File, located in the Main Office. The File includes the date, time, location, incident reported and disposition of incident and the name of the person who took report. The report must be entered in the File within two business days after it is reported to school official, unless that disclosure is prohibited by law.

For off campus options you may contact the Baton Rouge Police Department at 225-389-2000 for non-emergencies. You should always dial 9-1-1 for emergency situations.

The Baton Rouge Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the Baton Rouge Police Department cannot hold reports of crime in confidence.

D. Confidential Reporting

D'Jay's Institute of Cosmetology & Esthiology encourages anyone who is the victim or witness to any crime to report the incident as soon as possible. All reports will be investigated. The Institute does not have procedures for voluntary, confidential reporting of crime statistics. Violations of the law will be referred to the Baton Rouge Police Department. When a potentially dangerous threat to the Institute community arises, timely reports or warnings will be issued through email messages, text messages, the posting of flyers in the Institute buildings, in-class announcements, or other appropriate means.

E. Access Policy

During business hours, the Institute will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all Institute facilities is by key and security code, if issued, or by admittance via the President, Director or the Vice-President. Emergencies may necessitate changes or alterations to any posted schedules.

Only students, employees and other parties having business with the Institute should be on Institute property. Staff, faculty, and students must have and display at all times their school identification badge. Those without a school identification badge must identify their purpose of visit in the front office. Rear access doors leading to the clinic are closed and locked during non-clinic hours. Other individuals present on institutional property at any time without the express permission of the appropriate institutional official(s) shall be viewed as trespassing and may as such be subject to a fine and/or arrest. In addition, students and employees present on Institute property during periods of non-operation without the express permission of the appropriate Institute official(s) shall also be viewed as trespassing and may also be subject to a fine and/or arrest.

F. Campus Security Authority and Jurisdiction

The Institute's administration attempts to provide a safe, secure educational environment for all students and employees. The Institute does not provide security guards on its campus premises. The ultimate authority for law enforcement at the Institute is the local police department. The Institute does not have any written agreements with local police departments for the investigation of alleged criminal offenses. Institute officials have the authority to contact the local police to request assistance in preventing or reacting to crime within or in the immediate vicinity of school facilities. The Director is the Institute's coordinator of security issues. The Director is not authorized to arrest individuals but does have the authority to detain suspected criminal offenders if it is deemed safe to do so. If possible, the Director shall attempt to non-violently deal with the crime or emergency with the appropriate agency. Individual discretion must be used, as undue risk should not be taken. The administration at the D'Jay's Institute of Cosmetology & Esthiology has a strong, working relationship with the local police and work in partnership to offer students and employees the safest possible environment.

G. Security Awareness Programs

All new enrolled students participate in a general Institute orientation class. During the orientation class, the need and procedure of reporting emergencies and criminal activities, campus security measures and crime prevention is discussed. Similar information is presented to new employees. In addition, information is disseminated to students and employees through tips posted in the Institute buildings, in-class announcements, and announcements through social media.

The following is a description of the policies, rules and programs designed to inform students and employees about the prevention of crimes on campus.

- a) Do not leave personal property in classrooms.
- b) Report any suspicious persons to a campus security authority.
- c) Always try to walk in groups outside the school premises.

- d) If you are waiting for a ride, wait within sight of other people.
- e) Employees (staff and faculty) will close and lock all doors, windows and blinds and turn off lights when leaving a room.
- f) The “Crime Awareness and Campus Security Act” is available upon request to students, employees (staff and faculty) and prospective students.
- g) Information regarding any crimes committed on the campus or leased/attached properties (parking lot) will be available and posted in a conspicuous place within two business days after reporting of the crime and available for 60 business days during normal business hours, unless the disclosure is prohibited by law, would jeopardize the confidentiality of the victim, or result in the destruction of evidence. Once the reason for the lack of disclosure is no longer in force, the institution must disclose the information. If there is a request for information that is older than 60 days, that information must be made available within two business days of request.

H. Criminal Activity Off Campus

The D’Jay’s Institute of Cosmetology & Esthiology does not provide law enforcement services to off-campus activities on behalf of the Institute.

I. Emergency Response Preparation and Evacuation

The Director has overall responsibility for coordinating and implementing the Emergency and Response Evacuation Plan. The Director will ensure that the Institute’s emergency evacuation procedures have been informed to the students and staff. The Director will conduct fire and tornado drills annually which may be both announced and unannounced. Feedback from these drills will be used to determine the modifications necessary to the evacuation plans.

Evacuation Procedure. Evacuation should take place if it is determined that it is safer outside than inside the building (fire, explosion, intruder) and staff, students and visitors can safely reach the evacuation location without danger.

The Director will call or designate another to immediately call public safety (911) (police, fire and emergency responders) to give notice the Institute has been evacuated. The Director will communicate the need to evacuate the building to the occupants by activating the fire alarm or by in-class announcements. The Director will determine evacuation routes based on location of the incident and type of emergency, and communicate changes in evacuation routes based on location and type of emergency. The Director will communicate when it is safe to re-enter the building.

Institute team member responsibilities:

- Instruct students and guests to exit the building using the designated emergency exit routes or as directed by the Director. Emergency exit routes should be diagramed on the school floor plan drawing posted near the light switch inside each room.
- Use a secondary route if the primary route is blocked or hazardous.
- Help those needing special assistance.
- Do not lock classroom doors when leaving, close door and turn off lights.
- Do not stop for student or staff belongings.
- Take class roster, phone lists, first-aid kit and other emergency supplies with you. Check the bathrooms, hallways and common areas for visitors, staff or students while exiting.
- Go to designated evacuation assembly area.
- When outside the building, check for injuries.
- Account for all students. Immediately report any missing or injured students to the Director.
- Wait for additional instructions.

Lockdown Procedure. Lockdown is the initial physical response to provide a time barrier during an active shooter/intruder event. Lockdown is not a stand-alone defensive strategy. When securing in place, this procedure should involve barricading the door and readying a plan of evacuation or counter tactics should the need arise.

The Director will make an announcement that the Institute is experiencing an emergency situation and that it is now under lockdown. The Director will designate staff to call 9-1-1, identify the name and address of the Institute, describe the emergency, state the Institute is locking down, and provide intruder description and weapon(s) if known. The Director will instruct staff to stay on the phone to provide updates and additional information.

Institute team member responsibilities:

- Clear the hallway and bathrooms by your room, moving everyone into the classroom.
- Lock your doors.
- Move any large objects in front of the door to barricade door. All moveable items such as chairs should be used as well.
- Take attendance and be prepared to notify the Director or local law enforcement of missing students or additional students, staff or guests sheltered in your classroom.
- Do not place students in one location within the room. In the event that entry is gained by a shooter or intruder, students should consider exiting by running past the shooter/intruder.
- Staff and students may utilize methods to distract the shooter/intruder's ability to accurately shoot or cause harm, such as loud noises or aiming and throwing objects at the shooter/intruder's face or person.
- Allow no one outside of the classroom until the Director or local law enforcement gives the "All Clear" signal unless a life-threatening situation exists and a means to safe exit is available (through a window or other safe passage).
- If students and Institute personnel are outside of the school building at the time of a lockdown, Institute personnel will move students to the designated off-site assembly location.

Shelter-In-Place Procedure. The shelter-in-place procedure provides a refuge for students, staff and the public inside the school building during an emergency. Shelters are located in areas of the building that maximize the safety of occupants. Shelter-in-place is used when evacuation would place people at risk. Shelters may change depending on the emergency.

The Director will announce that the Institute is experiencing an emergency situation and needs to implement shelter-in-place procedures. Students, guests and staff will be directed to move to the designated shelter locations in the Institute. All students, guests and staff outside will be directed to immediately move to an inside room.

The Director will designate staff to monitor radio, Internet, and other media for information on incident conditions that caused the shelter-in-place. The Director will contact and consult with public safety officials as appropriate, and be prepared to announce additional procedures due to changing conditions of the incident, or to announce an "All Clear."

Institute team member responsibilities:

- Move students into designated safe areas such as inside rooms with no windows, bathrooms, utility closets or hallways without large windows or doors.
- Close classroom doors and windows when leaving.
- Have everyone kneel down and be ready to cover their heads to protect from debris, if appropriate.
- All persons must remain in the shelter until notified by the Director or public safety official that it is safe to exit.

Fire Evacuation Plan.

The Institute provides diagrams posted in the building to direct students, employees and clients to the closest exits in the case of emergencies. The Institute has a program of fire drills, which must be practiced at least twice a year, in order to ensure the proper and orderly exit of the building should an emergency occur. The directors on duty will be responsible for directing the evacuation.

Offices, the freshman and theory classes-evacuate through the front doors and meet in the parking lot near the Institute's sign. When the alarm is sounded the instructors are to take their roll books and lead their students out of the building

Clinic, practical class and restrooms- evacuate through the nearest back doors and meet in the parking lot near the Institute's sign. When the alarm is sounded the instructors are to take their roll books and the appointment book, then lead their students and clients out the building

1. **NO ONE** is to go to their lockers
2. **NO ONE** is to leave until everyone is accounted for
Instructors are to call roll to verify students
Clinic Coordinator is to verify clients for the appointment book
3. **NO ONE** is to return to the building until the **Director or Fire Marshal** gives the OK
 - ***There will be no exceptions CALL 911 AS SOON AS POSSIBLE***
 - **Call the School Owner**
 - **An Advising Form or Incident Form is to be used to report the situation**

Medical Emergency Plan.

If a medical emergency of any kind happens the person in charge in the area must call for help and state the area in which the help is needed.

It is everyone's responsibility to be concerned with health and safety at school. Care should always be taken to ensure that students are properly instructed as to the proper use of the tools and other equipment at the school.

The floor shall be properly maintained to ensure that they are no slick/wet areas and are safe for our students and patrons.

Accidents are caused--they do not just happen. Encourage all students to think safety first.

If a student, client or employee becomes sick, has a **health emergency**, or an **accident** occurs that requires more than minor first aid, the **Education Director/School Director or Financial Aid Director** shall take charge.

911 is to be called immediately.

The injured individual is to be made comfortable---- lying on the floor or sitting in a chair.

The injured party **shall not be moved** and should be covered and if there is bleeding; the wound shall be covered and direct pressured applied to control the loss of blood. **(rubber gloves must be worn when dealing with an injury with bleeding or any body fluids). The BLOOD SPILL KITS are located in the clinic desk and in the front office**

Every effort shall be made to keep the injured party as calm as possible **without attempting any** significant medical procedures.

Clear all onlookers from the area; give the injured party some space---Wait for the Para-medics

While waiting for the para-medics attempt to get the full name, address and phone number of the injured party as well as any contact person. Offer to call anyone they wish to notify. In the event the injured party must be taken to the hospital, be sure to get the name of the hospital and the ambulance number for the report.

Notify the owners immediately. They will assume the responsibility to inform the Institute's insurance carrier. The institute shall investigate the cause of the accident and write a report outlining the results of the investigation. These reports shall be maintained at the Institute and will serve as a basis for reviews of ways to prevent such accidents in the future.

Emergency Numbers to Know

Police Department---911 -----non-emergency 225-389-5010
Fire Department on Sharp-----225-389-4659
Suicide Prevention Services-----1-800-273-8255
Catholic Charities of Baton Rouge-----225-336-4406
DCF Child Abuse-----1-855-452-5437
Domestic Violence Baton Rouge-----225-389-3001
Family Counseling Baton Rouge-----225-924-0123
Drug & Alcohol Addiction-----1-800-304-2219

J. Fire Prevention and Workplace Hazards

It is the responsibility of all faculty and staff to alert the Director of any and all conditions that could potentially pose a fire hazard or other unsafe condition in or around the building. No smoking is permitted in the building and flammable chemicals are confined and stored in a locked area, meeting all OSHA requirements. Good housekeeping practices will be the responsibility of all faculty, staff and students. Waste materials are to be discarded in their proper places and all aisles, doorways, hallways and exit doors are to be kept clear at all times.

K. Alcoholic Beverages or Controlled Substances

It is the policy of D'Jay's Institute of Cosmetology & Esthology that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol is prohibited while in the workplace, on Institute premises, or as part of any Institute sponsored activities. Any employee or student violating this policy will be subject to disciplinary action up to and including termination or expulsion and referral for prosecution. The specifics of this policy can be found in the Drug Free School Policy.

L. Alcohol and Substance Abuse Education

The Institute has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students and employees. The program provides services related to drug use and abuse including dissemination of information materials, referrals, and Institute disciplinary actions.

A violation of any law regarding drugs or alcohol is also a violation of the Institute's Drug Free School Policy and will be treated as a separate disciplinary matter by the Institute.

Local mental health and substance abuse services are available at:

Baton Rouge Area Alcohol and Drug Center (225) 389-3325
1819 Florida Blvd
Baton Rouge, LA 70802

All The Way House (225) 775-4321
allthewayhouse.org

St. Christopher's Addiction Wellness Center (877) 782-4747/(225) 387-1611
addictionwellness.com

Additional information about drug and alcohol abuse, health risks, addiction and prevention can be accessed at the National Institute on Alcohol Abuse and Alcoholism (www.institutedrinkingprevention.gov) as well as the National Institute on Drug Abuse (www.drugabuse.gov/DrugPages/DrugsofAbuse.html).

M. Sexual Misconduct Policies & Procedures

The D'Jay's Institute of Cosmetology & Esthiology is committed to providing a working and educational environment for all students, faculty and staff that is free from sex discrimination, including sexual misconduct. Every member of the school community should be aware that the Institute is strongly opposed to sexual misconduct, and that such behavior is prohibited by state and federal laws.

The Institute's Sexual Misconduct Policy is part of this Annual Security Report. It describes the Institute's programs to prevent sexual misconduct, and the procedures that the Institute will follow once an incident of sexual misconduct has been reported. This Policy is disseminated widely to the Institute community through publications, the Institute website, new employee orientations, student orientations, and other appropriate channels of communication. Copies of the Policy can be obtained from the Director, or downloading from the Institute's website at www.djaysinstitute.com. The Institute provides training to key staff members to enable the Institute to handle any allegations of sexual misconduct promptly and effectively. The Institute will respond quickly to all reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

The Institute's Sexual Misconduct Policy governs sexual misconduct involving students that occurs on any Institute property or in connection with any Institute-sponsored program or event. This Policy applies to all students, employees, and third parties conducting business with the Institute, regardless of the person's gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. The Institute encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the Institute can respond appropriately. As further described in the Policy, the Institute will seek to respect a victim's request for confidentiality to the extent possible, while remaining ever mindful of the victim's well-being.

N. Sexual Offender Registration

In accordance to the Campus Sex Crimes Prevention Act of 2000, the Clery Act, and the Family Rights and Privacy Act of 1974, the Institute is providing information for where students and employees may obtain information regarding registered sex offenders. The Louisiana Sex Offenders Registry may be found at <http://www.lsp.org/socpr/default.html>. The Campus Sex Crimes Prevention Act requires institutions of higher education to provide a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders can be obtained.

D'JAY'S INSTITUTE OF COSMETOLOGY & ESTHIOLOGY
CAMPUS CRIME REPORT

The Director prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The report is prepared in cooperation with the local law enforcement agencies surrounding our campus.

Campus crime, arrest, and referral statistics include those reported to the Director and local law enforcement agencies. Copies of the report may be obtained in the Director's Office or by calling (225) 272-6595. All prospective employees may obtain a copy from the Director or by calling (225) 272-6595.

To Report A Crime: Contact the Director at (225) 272-6595 (non-emergencies) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen loitering inside or around the Institute buildings should be reported to the Director. In addition, you may report a crime to the Front Office at (225) 272-6595.

Offense	On Campus			Non Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	1	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
VAWA Offenses									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
Arrests & Disciplinary Referrals									
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Law Arrests Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0

Hate Crimes – There were no reported hate crimes for the years 2015, 2016 or 2017.

D'JAY'S INSTITUTE OF COSMETOLOGY & ESTHIOLOGY DRUG FREE SCHOOL POLICY

D'Jay's Institute of Cosmetology & Esthiology believes that it is very important to provide a safe environment for all of its students and Team Members. Substance abuse, while at work, school or otherwise, seriously endangers the safety of students and Team Members, as well as the general public, and creates a variety of problems including increased theft, decreased morale, decreased productivity, and a decline in the quality of services provided. It is also our Policy to prevent the use and/or presence of these substances in the school. D'Jay's Institute of Cosmetology & Esthiology will strive to provide an environment conducive to making conscientious and healthy decisions when students are faced with difficult choices associated with the use of legal and illegal drugs.

It is a violation of school policy for any student to:

- Use illegal drugs or misuse prescription drugs;
- Misuse alcohol;
- Possess, trade, manufacture, distribute, dispense, buy or offer for sale alcohol, illegal and/or prescription drugs while on duty, during break periods, or on school property;
- Arrive or return to school intoxicated from use of illegal drugs, misused prescription drugs or alcohol;
- Engage in the use of illegal drugs, misuse of prescription drugs or alcohol during school hours or while on school property (including parking lots);
- Use prescription drugs or non-prescription drugs that may affect the safety of the student or fellow students, and members of the public;

Any student who is taking any prescription or non-prescription drug which might impair safety, performance, or any motor functions must advise his/her Instructor or the Director before providing services under such medication.

Students are individually responsible for being aware of applicable laws, regulations, ordinances, and the Institute's policy for complying with them. D'Jay's Institute of Cosmetology & Esthiology will assist in that endeavor by providing current information on an ongoing basis to all students.

Drug & Alcohol Health Risks

Alcohol: People drink to socialize, celebrate, and relax. Alcohol often has a strong effect on people—and throughout history, people have struggled to understand and manage alcohol's power. Why does alcohol cause people to act and feel differently? How much is too much? Why do some people become addicted while others do not?

Alcohol's effects vary from person to person, depending on a variety of factors, including:

- How much you drink
- How often you drink
- Your age
- Your health status
- Your family history

While drinking alcohol is itself not necessarily a problem—drinking too much can cause a range of consequences and increase your risk for a variety of problems.

Cocaine: Cocaine is a powerfully addictive stimulant drug. Cocaine increases levels of the natural chemical messenger *dopamine* in brain circuits controlling pleasure and movement. This flood of dopamine ultimately disrupts normal brain communication and causes cocaine's high.

Short-term effects include constricted blood vessels, nausea, faster heartbeat, extreme happiness and energy, irritability and paranoia. Long-term effects include nosebleeds, severe bowel decay, higher risk of contracting HIV, hepatitis C, and other bloodborne diseases, malnourishment, restlessness, and severe paranoia with auditory hallucinations. A person can overdose on cocaine, which can lead to death.

Marijuana: Marijuana contains the mind-altering chemical THC and other related compounds. THC over-activates certain brain cell receptors, resulting in effects such as altered senses, changes in mood, impaired body movement, difficulty with thinking and problem-solving, and impaired memory and learning. Marijuana use can have a wide range of health effects, including hallucinations and paranoia, breathing problems, and possible harm to a fetus's brain in pregnant women. Marijuana use can cause some very uncomfortable side effects, such as anxiety and paranoia and, in rare cases, extreme psychotic reactions. Marijuana use can lead to a substance use disorder, which can develop into an addiction in severe cases.

Hallucinogens and Dissociative Drugs: Hallucinogens and dissociative drugs—which have street names like acid, angel dust, and vitamin K—distort the way a user perceives time, motion, colors, sounds, and self. These drugs can disrupt a person's ability to think and communicate rationally, or even to recognize reality, sometimes resulting in bizarre or dangerous behavior. Hallucinogens such as LSD, psilocybin, peyote, DMT, and ayahuasca cause emotions to swing wildly and real-world sensations to appear unreal, sometimes frightening. Dissociative drugs like PCP, ketamine, dextromethorphan, and *Salvia divinorum* may make a user feel out of control and disconnected from their body and environment. In addition to their short-term effects on perception and mood, hallucinogenic drugs are associated with psychotic-like episodes that can occur long after a person has taken the drug, and dissociative drugs can cause respiratory depression, heart rate abnormalities, and a withdrawal syndrome.

Methamphetamine: The abuse of methamphetamine—a potent and highly addictive stimulant—remains an extremely serious problem in the United States. The consequences of methamphetamine abuse are terrible for the individual—psychologically, medically, and socially. Abusing the drug can cause memory loss, aggression, psychotic behavior, damage to the cardiovascular system, malnutrition, and severe dental problems. Methamphetamine abuse has also been shown to contribute to increased transmission of infectious diseases, such as hepatitis and HIV/AIDS.

Reasonable Search:

To ensure that illegal drugs and alcohol do not enter or affect the school, D'Jay's Institute of Cosmetology & Esthiology reserves the right to search all vehicles, containers, lockers, or other items on school property in furtherance of this Policy. Individuals may be requested to display personal property for visual inspection upon the Institute's request. Searches will be conducted only where D'Jay's Institute of Cosmetology & Esthiology has reason to believe that the student has violated the Institute's Policy. Failure to consent to a search or display of personal property for visual inspection will be grounds for discipline, up to and including termination from the program or denial of access to school premises. Searches of a student's personal property will take place only in the student's presence. All searches under this Policy will occur with the utmost discretion and consideration for the student involved. Individuals may be required to empty their pockets, but under no circumstances will a student be required to remove articles of clothing to be physically searched.

Student Assistance:

D'Jay's Institute of Cosmetology & Esthiology holds all students accountable in terms of substance use but also supports getting help for students. Students who come forward voluntarily to identify that they have a substance problem will not be reprimanded. It is important for the student to come to an understanding regarding the extent of the problem in order to correct the problem and be able to avoid future usage in violation of the Institute's Policy. This is required in order to correct the problem and be able to avoid violating the Institute's Policy in the future. If the student is willing to actively engage in

resolving the substance use problem, the Institute will refer the student to a Substance Abuse Professional for an assessment and possible outpatient counseling at the student's expense. If a leave of absence is requested, it must follow the Leave of Absence Policy as stipulated in the catalog. This leave will be conditioned upon receipt of reports from the treatment providers that the student is cooperating and making reasonable progress in the treatment program. The student will be permitted to return to school only if (s)he passes a drug /alcohol test and has satisfactory medical evidence that (s)he is fit for attendance.

This protection does not cover a student who confesses a problem after an incident or accident that requires a substance use test, or after being notified that a reasonable suspicion test is required.

Disciplinary Action:

Violation of this Policy will result in the student's immediate termination. Re-admittance may be considered according to the appeal procedure for re-enrollment as stipulated in the catalog. To be considered for re-admittance, the student must provide proof of having satisfactorily attended treatment that is provided by a Substance Abuse Professional (SAP) and/or prescribed by a SAP and completed a drug and/or alcohol test, determined by which test was previously positive, with a negative test result. If the student is readmitted, (s)he must complete the prescribed follow-up testing by the SAP or by law, as applicable, to continue attending D'Jay's Institute of Cosmetology & Esthiology. Treatment and follow-up testing will be at the expense of the student. D'Jay's Institute of Cosmetology & Esthiology may terminate a student who has entered a rehabilitation program for violations of the Drug Free School Policy or any other school policy in accordance with the procedures set forth in the School Catalog.

Confidentiality:

All information, interviews, reports, statement memoranda and drug test results, written or otherwise, received by the D'Jay's Institute of Cosmetology & Esthiology as part of this Drug Free School Policy are confidential communications. Unless authorized by state laws, rules or regulations, the Institute will not release such information without a written consent form signed voluntarily by the person tested. Information on drug testing results will not be released unless such information or records are compelled by a court or a professional or occupational licensing board.

Biennial Review:

The Institute will review the drug and alcohol prevention program every two years on the odd number year. Any recommendations/data and or assistance available to substance abusers will be updated and distributed to all students and staff of D'Jay's Institute of Cosmetology & Esthiology.

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

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

The Higher Education Act of 1965 as amended (HEA) suspends aid eligibility for students who have been convicted under federal or state law of the sale or possession of drugs, if the offense occurred during a period of enrollment for which the student was receiving federal student aid (grants, loans, and/or work-study). If you have a conviction(s) for these offenses, call the Federal Student Aid Information Center at

1-800-4-FED-AID (1-800-433-3243) to complete the "Student Aid Eligibility Worksheet" to find out how this law applies to you.

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

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

School Flexibility:

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

D'JAY'S INSTITUTE OF COSMETOLOGY & ESTHIOLOGY **CAMPUS SEXUAL MISCONDUCT POLICIES & PROCEDURES**

1. Introduction

D'Jay's Institute of Cosmetology & Esthology (the "Institute") is committed to providing a working and educational environment for all students, faculty and staff that is free from sex discrimination, including sexual misconduct. Every member of the Institute community should be aware that the Institute is strongly opposed to sexual misconduct, and that such behavior is prohibited by state and federal laws.

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

2. Scope of the Policy

This Policy governs sexual misconduct involving students that occurs on any Institute property or in connection with any Institute-sponsored program or event. This Policy applies to all students, employees, and third parties conducting business with the Institute, regardless of the person's gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. The Institute encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the Institute can respond appropriately. As further described in this Policy, the Institute will seek to respect a victim's request for confidentiality to the extent possible, while remaining ever mindful of the victim's well-being.

3. Prohibited Conduct

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

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

4. Options for Assistance Following an Incident of Sexual Misconduct

The Institute strongly encourages any victim of sexual misconduct to seek immediate assistance. Seeking prompt assistance may be important to ensure a victim's physical safety or to obtain medical care. The Institute strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation.

Reporting Incidents of Sexual Misconduct.

Victims of sexual misconduct may file a report with the Baton Rouge Police Department. Victims may also file a report with the Institute's Title IX Coordinator. More information about reporting an incident of sexual misconduct can be found in Section 6 of this Policy, below.

When a student or employee reports to the school that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off

campus, the school will provide the student or employee a written explanation of the student's or employee's rights and options. The Institute will also provide the student or employee with written notification about assistance available both within the Institute community and without, as well as information about options for academic or protective measures.

The victim of the sexual misconduct may choose for the investigation to be pursued through the criminal justice system and the Institute's disciplinary procedures. The Institute and the criminal justice system work independently from each other. Law enforcement officers do not determine whether a violation of this Policy has occurred. The Title IX Coordinator will guide the victim through the available options and support the victim in his or her decision.

Support Services Available.

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

Sexual misconduct crisis and counseling options are available locally and nationally through a number of agencies, including:

IRIS Domestic Violence Center (800) 541-9706/(225) 389-3001 (both 24 hour hotlines)
stopdv.org

STAR-Sexual Trauma Awareness & Response (855) 435-7837 (24 hour hotline)/(225) 615-7093
star.ngo/services

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

Evidence Preservation

Victims of sexual assault, domestic violence or dating violence should consider seeking medical attention as soon as possible. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen where they were assaulted so that evidence necessary to prove criminal activity may be preserved. In circumstances where the victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address health concerns. Victims of sexual misconduct are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful in connection with a school or police investigation.

5. Title IX Coordinator

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

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

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

Paul Schilleci
10120 Red Oak Dr
Baton Rouge, LA 70815
Phone: (225) 272-6595
Email: financialaid@djaysinstitute.com

6. Reporting Policies and Protocols

D'Jay's Institute of Cosmetology & Esthiology strongly encourages all members of the Institute community to report information about any incident of sexual misconduct as soon as possible, whether the incident occurred on or off campus. Reports can be made either to the Institute and/or to law enforcement.

Reporting to the Institute

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

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

The Institute will respond to all reports in a manner that treats each individual with dignity and respect and will take prompt responsive action to end any misconduct, prevent its recurrence, and address its effects.

Reporting to Law Enforcement

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

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

Reporting of Crimes & Annual Security Reports

Campus safety and security are important issues at D'Jay's Institute of Cosmetology & Esthiology. Our goal is to provide students with a safe environment in which to learn and to keep students, parents, and employees well informed about campus security. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or Clery Act, requires institutions of higher education to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sexual misconduct under this Policy.

Each year the Institute prepares this report to comply with the Clery Act. The full text of this report can be located on the Institute's web site at www.djaysinstitute.com. This report is prepared in cooperation with the local law enforcement agencies around our campus. Each year notification is made to all enrolled students and employees that provides the web site to access this report. Copies of the report may also be obtained in person from the Director or by calling (225) 272-6595. All prospective employees may also obtain a copy from the Director.

Timely Warnings

In the event that a situation arises, either on or off campus, that, in the judgment of the Director constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be disseminated to staff and students through announcements in campus facilities, cell phone messages, email, school website, social media and/or flyers to ensure that the entire campus is likely to receive the warning. The timely warning will include information that promotes safety and tips to prevent similar crimes, allowing the campus community to take appropriate precautions. The timely warning will also include the time, location, and type of crime reported. Anyone with information warranting a timely warning should report the circumstances to the Director by phone at (225) 272-6595 or in person at the Institute.

Third-Party and Anonymous Reporting

In cases where sexual misconduct is reported to the Title IX Coordinator by someone other than the complainant (by an instructor, classmate or friend, for example), the Title IX Coordinator will promptly notify the complainant that a report has been received. This Policy and the Procedures will apply in the same manner as if the complainant had made the initial report. The Title IX Coordinator will make every effort to meet with the complainant to discuss available options and resources. Reports from an anonymous source will be treated in a similar fashion.

No Retaliation

The Institute prohibits retaliation against those who file a complaint or third-party report, or otherwise participate in the investigative and/or disciplinary process (e.g., as a witness). The Institute will take strong responsive action if retaliation occurs. Any incident of retaliation should be promptly reported to the Title IX Coordinator or the Institute's President.

Coordination With Drug Free School Policy

Students may be reluctant to report instances of sexual misconduct because they fear being disciplined pursuant to the Institute's alcohol or drug policies. The Institute encourages students to report all instances of sexual misconduct and will take into consideration the importance of reporting sexual misconduct in addressing violations of the Institute's alcohol and drug policies. This means that, whenever possible, the Institute will respond educationally rather than punitively to student alcohol or drug policy violations associated with reported sexual misconduct.

7. School Policy on Confidentiality

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

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become

a victim of sexual misconduct. The Institute encourages victims to talk to someone identified in one or more of these groups.

Privileged and Confidential Communications – Professional & Pastoral Counselors

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim's permission. *The Institute does not provide professional or pastoral counseling, but can assist a victim of sexual misconduct in obtaining support services from these groups or agencies.* Contact information for these support organizations is listed in Section 4 of this Policy.

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

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

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

Reporting to "Responsible Employees"

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

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

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

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

The Institute's responsible employees include any Institute employee that a student can reasonably believe has the authority or duty to redress and/or report incidents of sexual misconduct, including, but not limited to the Institute's President, Director, Vice-President, Financial Director, Financial Aid Director, Admissions, Front Office and Education Director.

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

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

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

Reporting to Title IX Coordinator

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

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

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

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

Requesting Confidentiality: How the Institute Will Weigh the Request and Respond.

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

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

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

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

- The increased risk that the alleged perpetrator will commit additional acts of sexual misconduct or other violence, such as:
 - whether there have been other sexual misconduct complaints about the same alleged perpetrator;
 - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
 - whether the alleged perpetrator threatened further sexual misconduct or other violence against the victim or others;
 - whether the sexual misconduct was committed by multiple perpetrators;
- Whether the sexual misconduct was perpetrated with a weapon;
- Whether the victim is a minor;
- Whether the Institute possesses other means to obtain relevant evidence of the sexual misconduct (e.g., security cameras or personnel, physical evidence);
- Whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or

alcohol) at a given location or by a particular group.

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

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

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

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

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

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

Miscellaneous

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

Off-campus Counselors and Advocates. Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the Institute unless the victim requests the disclosure and signs a consent or waiver form. Contact information for these off-campus resources can be found in Section 4 of this Policy.

8. Investigation Procedures and Protocols

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

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

Notice

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

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

Voluntary Resolution

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

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

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

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

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

Formal Investigation Process

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

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

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

Time Frame for Investigation

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

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

Investigation Report

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

Upon receipt of the investigative report, the complainant and respondent shall each have the opportunity to request a hearing be conducted pursuant to the procedures set forth in Section 9, below. If neither party requests a hearing within 10 calendar days from their receipt of the investigative report, then the recommended findings of responsibility set forth in the investigative report shall be final. The Title IX Coordinator shall rely on the recommended findings of responsibility in the investigative report for purposes of imposing sanctions in accordance with Section 10, below.

9. Grievance/Adjudication Procedures

Hearing Panel

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

The hearing panel will consist of three members who will be individuals associated with the Institute. The hearing panel may include the Title IX Coordinator unless the Title IX Coordinator was designated as the investigator of the complaint pursuant to Section 8, above. The hearing panel members may include administrators, officers, lawyers or other individuals with relevant experience and special training. Panel members may participate remotely so long as the hearing room is equipped with telephone equipment that allows the panel member to hear all the participants and to be heard by all the participants throughout the hearing proceedings. All panelists will receive training from experts in the field at least once a year. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual misconduct. The complainant and respondent will be informed of the panel's membership before the hearing process begins. A complainant and/or respondent may challenge the participation of a panel member because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made to the Title IX Coordinator at least 48 hours prior to the commencement of the hearing. At its discretion, the Title IX Coordinator will determine whether such a conflict of interest exists and whether a panel member should be replaced. Postponement of a hearing may occur if a replacement panelist cannot be immediately identified.

Advisors

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

Written Submissions

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

Hearing Procedures

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

the proceeding. The Director will work with Institute staff so that any student whose presence is required may participate in the hearing.

In general, hearings will proceed as follows:

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

The Institute will keep an audio recording of the hearing for the use of the panel and for sanctioning. The panelists may request a transcript of the recording. Cell phones and recording devices may not be used in the hearing room(s) unless approved by the panel in advance.

Panel Determinations/Standard of Proof

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

The parties will be informed of the results of the adjudication hearing by simultaneous written notice to both parties of the outcome of the complaint. The hearing panel's determination is final.

10. Sanctions and Other Remedies

The Title IX Coordinator, with the advice and counsel of the other hearing panel members, shall be responsible for imposing sanctions that are:

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

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

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

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

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

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

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

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

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

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

11. Records Disclosure

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

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

Additional information about FERPA can be found on the Institute's website at www.djaysinstitute.com.

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

12. Education and Prevention Programs

As set forth in Section 3 of this Policy statement, Sexual Assault, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking are all forms of Prohibited Conduct.

The Institute is committed to offering educational programs to promote awareness and prevention of Prohibited Conduct. Educational programs include an overview of the Institute's policies and procedures; relevant definitions, including prohibited conduct; discussion of the impact of alcohol and illegal drug use; consent; safe and positive options for bystander intervention; review of resources and reporting options available for students, faculty, and staff; and information about risk reduction. Incoming students and new employees will receive primary prevention and awareness programming as part of their orientation. The Title IX Coordinator maintains an education and prevention calendar and tailors programming to campus needs and climate.

As part of the Institute's commitment to provide an educational and work environment free from Prohibited Conduct, this Policy will be disseminated widely to the Institute community through e-mail communication, publications, websites, new employee orientations, student orientations, and other appropriate channels of communication.

The Title IX Coordinator, hearing panel members, and anyone else who is involved in responding to, investigating, or adjudicating sexual misconduct will receive annual training from experts in the field. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual misconduct.

Definitions of Sexual Misconduct under Louisiana Law

Sexual Assault is any unwanted physical contact of a sexual nature that occurs either without the consent of each participant or when a participant is unable to give consent freely. Sexual assault can occur either forcibly and/or against a person's will, or when a person is unable to give consent freely. Non-consensual sexual intercourse is any form of sexual intercourse (vaginal, anal or oral) with any object without consent. Non-consensual sexual contact is any intentional sexual touching, however slight, with any

object without a person's consent.

Louisiana laws provide the following definitions with respect to incidents of sexual assault:

La. Rev. Stat. Ann. §14.41. Rape; defined

- A. Rape is the act of anal, oral, or vaginal sexual intercourse with a male or female person committed without the person's lawful consent.
- B. Emission is not necessary, and any sexual penetration, when the rape involves vaginal or anal intercourse, however slight, is sufficient to complete the crime.
- C. For purposes of this Subpart, "oral sexual intercourse" means the intentional engaging in any of the following acts with another person:
 - (1) The touching of the anus or genitals of the victim by the offender using the mouth or tongue of the offender.
 - (2) The touching of the anus or genitals of the offender by the victim using the mouth or tongue of the victim.

La. Rev. Stat. Ann. §42. First degree rape

- A. First degree rape is a rape committed upon a person sixty-five years of age or older or where the anal, oral, or vaginal sexual intercourse is deemed to be without lawful consent of the victim because it is committed under any one or more of the following circumstances:
 - (1) When the victim resists the act to the utmost, but whose resistance is overcome by force.
 - (2) When the victim is prevented from resisting the act by threats of great and immediate bodily harm, accompanied by apparent power of execution.
 - (3) When the victim is prevented from resisting the act because the offender is armed with a dangerous weapon.
 - (4) When the victim is under the age of thirteen years. Lack of knowledge of the victim's age shall not be a defense.
 - (5) When two or more offenders participated in the act.
 - (6) When the victim is prevented from resisting the act because the victim suffers from a physical or mental infirmity preventing such resistance.

La. Rev. Stat. Ann. §42.1. Second degree rape

- A. Second degree rape is rape committed when the anal, oral, or vaginal sexual intercourse is deemed to be without the lawful consent of the victim because it is committed under any one or more of the following circumstances:
 - (1) When the victim is prevented from resisting the act by force or threats of physical violence under circumstances where the victim reasonably believes that such resistance would not prevent the rape.
 - (2) When the victim is incapable of resisting or of understanding the nature of the act by reason of stupor or abnormal condition of the mind produced by a narcotic or anesthetic agent or other controlled dangerous substance administered by the offender and without the knowledge of the victim.

La. Rev. Stat. Ann. §43. Third degree rape

- A. Third degree rape is a rape committed when the anal, oral, or vaginal sexual intercourse is deemed to be without the lawful consent of a victim because it is committed under any one or more of the following circumstances:
 - (1) When the victim is incapable of resisting or of understanding the nature of the act by reason of a stupor or abnormal condition of mind produced by an intoxicating agent or any cause and the offender knew or should have known of the victim's incapacity.
 - (2) When the victim, through unsoundness of mind, is temporarily or permanently incapable of understanding the nature of the act and the offender knew or should have known of the victim's incapacity.
 - (3) When the victim submits under the belief that the person committing the act is someone known to the victim, other than the offender, and such belief is intentionally induced by any

artifice, pretense, or concealment practiced by the offender.
(4) When the offender acts without the consent of the victim.

La. Rev. Stat. Ann. §43.1. Sexual battery

A. Sexual battery is the intentional touching of the anus or genitals of the victim by the offender using any instrumentality or any part of the body of the offender, directly or through clothing, or the touching of the anus or genitals of the offender by the victim using any instrumentality or any part of the body of the victim, directly or through clothing, when any of the following occur:

- (1) The offender acts without the consent of the victim.
- (2) The victim has not yet attained fifteen years of age and is at least three years younger than the offender.
- (3) The offender is seventeen years of age or older and any of the following exist:
 - (a) The act is without consent of the victim, and the victim is prevented from resisting the act because either of the following conditions exist:
 - (i) The victim has paraplegia, quadriplegia, or is otherwise physically incapable of preventing the act due to a physical disability.
 - (ii) The victim is incapable, through unsoundness of mind, of understanding the nature of the act, and the offender knew or should have known of the victim's incapacity.
 - (b) The act is without consent of the victim, and the victim is sixty-five years of age or older.

Louisiana law provides the following definitions with respect to Stalking:

La. Rev. Stat. Ann. §40.2. Stalking

A. Stalking is the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include but not be limited to the intentional and repeated uninvited presence of the perpetrator at another person's home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal, written, or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted.

La. Rev. Stat. Ann. §40.3. Cyberstalking

- A. For the purposes of this Section, the following words shall have the following meanings:
- (1) "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature, transmitted in whole or in part by wire, radio, computer, electromagnetic, photoelectric, or photo-optical system.
 - (2) "Electronic mail" means the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder, or other electronic means sent to a person identified by a unique address or address number and received by that person.
- B. Cyberstalking is action of any person to accomplish any of the following:
- (1) Use in electronic mail or electronic communication of any words or language threatening to inflict bodily harm to any person or to such person's child, sibling, spouse, or dependent, or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person.
 - (2) Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of threatening, terrifying, or harassing any person.
 - (3) Electronically mail or electronically communicate to another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct of the person electronically mailed or of any member of the person's family or household with the intent to threaten, terrify, or harass.
 - (4) Knowingly permit an electronic communication device under the person's control to be used for the taking of an action in Paragraph (1), (2), or (3) of this Subsection.

Louisiana laws provided the following definitions with respect to Domestic Violence and Dating Violence:

La. Rev. Stat. Ann. §35.3. Domestic abuse battery

A. Domestic abuse battery is the intentional use of force or violence committed by one household member or family member upon the person of another household member or family member.

B. For purposes of this Section:

* * *

(4) "Family member" means spouses, former spouses, parents, children, stepparents, stepchildren, foster parents, and foster children.

(5) "Household member" means any person presently or formerly living in the same residence with the offender and who is involved or has been involved in a sexual or intimate relationship with the offender, or any child presently or formerly living in the same residence with the offender, or any child of the offender regardless of where the child resides.

(6) "Serious bodily injury" means bodily injury that involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, or a substantial risk of death.

As enacted by the Louisiana State Legislature, the purpose of the Domestic Abuse Assistance Act (La. Rev. Stat. Ann. §46.2131) (hereinafter referred to as the "Act") is to recognize and address the complex legal and social problems created by domestic violence. The legislature finds that existing laws which regulate the dissolution of marriage do not adequately address problems of protecting and assisting the victims of domestic abuse. The legislature further finds that previous societal attitudes have been reflected in the policies and practices of law enforcement agencies and prosecutors which have resulted in different treatment of crimes occurring between family members, household members, or dating partners and those occurring between strangers. It is the intent of the legislature to provide a civil remedy for domestic violence which will afford the victim immediate and easily accessible protection. Furthermore, it is the intent of the legislature that the official response of law enforcement agencies to cases of domestic violence shall stress the enforcement of laws to protect the victim and shall communicate the attitude that violent behavior is not excused or tolerated.

Under the Act:

"Domestic abuse" includes but is not limited to physical or sexual abuse and any offense against the person, physical or non-physical, as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one family member, household member, or dating partner against another. "Domestic abuse" also includes abuse of adults as defined in R.S. 15:1503 when committed by an adult child or adult grandchild. *La. Rev. Stat. Ann. §46.2132(3)*

"Family members" means spouses, former spouses, parents and children, stepparents, stepchildren, foster parents, and foster children. "Household members" means any person presently or formerly living in the same residence with the defendant and who is involved or has been involved in a sexual or intimate relationship with the defendant and who is seeking protection under the Act. "Dating partner" means any person protected from violence under R.S. 46:2151 who is seeking protection under the Act. If a parent or grandparent is being abused by an adult child, adult foster child, or adult grandchild, the provisions of the Act shall apply to any proceeding brought in district court. *La. Rev. Stat. Ann. §46.2132(4)*

"Dating partner" means any person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:

(1) The length of the relationship.

(2) The type of relationship.

(3) The frequency of interaction between the persons involved in the relationship. *La. Rev. Stat. Ann. §46.2151(B)*

"Dating violence" includes but is not limited to physical or sexual abuse and any offense against the

person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one dating partner against the other. *La. Rev. Stat. Ann. §46.2151(C)*

Bystander Intervention

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

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

Risk Reduction

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

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

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

Safety Planning. Things to think about:

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

your house or car. If the bag is discovered, you can call it a “tornado” or “fire” bag.

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

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

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

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

Information on Risk Reduction was provided by RAINN: Rape, Abuse & Incest National Network: www.rainn.org.

13. Amendments

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

D'Jay's Institute of Cosmetology & Esthiology
Sexual Misconduct Policy

Definitions of Key Terms

- Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment, (ii) submission to or rejection of such conduct by an individual is used as the basis for education or employment decisions affecting such individuals, or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's school or work performance or creating an intimidating, hostile, or offensive educational or working environment.
 - Hostile Environment Caused By Sexual Harassment - refers to a situation where students and/or employees are subject to a pattern of exposure to unwanted sexual behavior that is so severe, persistent, or pervasive that it alters the conditions of education, employment, or participation in a school program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, does not amount to a hostile environment caused by sexual harassment.
 - Quid Pro Quo Harassment – refers to a situation where students and/or employees are subject to unwanted sexual behavior where submission or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education, employment, or participation in a school program or activity.

- Sexual Assault - is any unwanted physical contact of a sexual nature that occurs either without the consent of each participant or when a participant is unable to give consent freely. Sexual assault can occur either forcibly and/or against a person's will, or when a person is unable to give consent freely. Non-consensual sexual intercourse is any form of sexual intercourse (vaginal, anal or oral) with any object without consent. Non-consensual sexual contact is any intentional sexual touching, however slight, with any object without a person's consent.

- Domestic Violence - A felony or misdemeanor crime of violence committed (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

- Prohibited Conduct – The Institute prohibits the crimes of Sexual Assault, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking as defined in these Definitions of Key Terms.

- Sexual Exploitation - sexual misconduct that occurs when a person takes unjust or abusive sexual advantage of another for his or her own advantage or benefit or for the benefit or advantage of anyone other than the exploited party; and that behavior does not otherwise

constitute sexual assault. Examples of sexual exploitation include, but are not limited to, videotaping or photographing of any type (web-cam, camera, Internet exposure, etc.) without knowledge and consent of all persons; prostituting another person; knowingly transmitting HIV or a sexually transmitted disease to an unknowing person or to a person who has not consented to the risk; or inducing incapacitation with the intent to commit sexual assault, without regard to whether sexual activity actually takes place.

- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Retaliation - means any adverse action, or attempted adverse action, against an individual or group of individuals because of their participation in any manner in an investigation, proceeding, or hearing under this Policy.
- Intimidation - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- Consent is a voluntary agreement to engage in sexual activity.
 - Past consent does not imply future consent.
 - Silence or an absence of resistance does not imply consent.
 - Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
 - Consent can be withdrawn at any time.
 - Coercion, force, or threat of either invalidates consent.

Someone who is incapacitated cannot consent. Incapacitation refers to a situation in which a person is not capable of providing consent because the person lacks the ability to understand her or his decision. This situation may occur due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the student from having the capacity to give consent.

- Complainant – means the person making the allegation(s) of sexual misconduct.
- Respondent – means the person alleged to have committed sexual misconduct.