

Associated Barber College Of San Diego, Inc.



1311, 1315 & 1333 5th Avenue
San Diego, CA 92101
Phone: 619-234-7703 Fax: 619-234-8257

Campus Security Policy Report, Safety Policy, Sexual Misconduct Policy, Drug & Alcohol Policy, VAWA/SaVE Acts

Associated Barber College of San Diego (“ABCSD”) in compliance with the Federal Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act of 1998, provides the following campus crime statistics and information for the calendar years noted below. ABCSD does not have a Security Department, and therefore, is not required to maintain a Crime Log.

ABCSD provides this Campus Safety and Security Report and Policy to all currently enrolled students and employees in order to make the students aware of the steps and precautions that need to be taken in order for them to protect themselves.

ABCSD leases three spaces on the ground floor of Hotel Sanford. Hotel Sanford is at 130 room Retirement complex that is owned by the San Diego Housing Commission. ABCSD is under the jurisdiction of the San Diego Police Department. The San Diego Police Department provided statistics starting the year 2015, but none of the violations were on the school’s campus. The Annual Report for Crime Statistics is prepared in cooperation with the San Diego Police Department using their records and analysis system:

<http://www.crimemapping.com> and <http://www.sandiego.gov/police/services/statistics>
<http://crimestats.arjis.org/default.aspx>

Criminal Offense on Campus			
Criminal Offense	Total Occurrences-On Campus		
	2016	2017	2018
Murder/Non-negligent manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Sex Offense- Forcible	0	0	0
Sex Offense- Non-Forcible	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0

Criminal Offense – Public Property			
Criminal Offense	Total Occurrences-Off Campus		
	2016	2017	2018
Murder/Non-negligent manslaughter	1	0	0
Negligent Manslaughter	0	0	0
Sex Offense- Forcible	0	0	0
Sex Offense- Non-Forcible	0	0	0
Robbery	1	0	0
Aggravated Assault	6	0	0
Burglary / Larceny	2	0	0
Motor Vehicle Theft	2	0	0
Arson	0	0	0

Arrests on Campus			
Number of Arrests			
Law Violation	2016	2017	2018
Weapons; Carrying, possessing, etc.	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0
Arrests on Public Property			
Number of Arrests			
Law Violation	2016	2017	2018
Weapons; Carrying, possessing, etc.	2	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	8	0	0
Disciplinary Actions – On Campus			
Number of Persons Referred for Disciplinary Action			
Law Violation	2016	2017	2018
Weapons; Carrying, possessing, etc.	0	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	0	0	0
Disciplinary Actions – Public Property			
Number of Persons Referred for Disciplinary Action			
Law Violation	2016	2017	2018
Weapons; Carrying, possessing, etc.	2	0	0
Drug Abuse Violations	0	0	0
Liquor Law Violations	8	0	0

Hate Crimes – Public Property									
OFFENSE	Total Occurrences- Public Property			Category of Bias for Crimes					
	2016	2017	2018	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offense-Forcible	0	0	0	0	0	0	0	0	0
Sex Offense-Non-Forcible	0	0	0	0	0	0	0	0	0
Robbery	1	0	0	0	0	0	0	0	0
Aggravated Assault	6	0	0	0	0	0	0	0	0
Burglary	2	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-Theft	7	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/ Damage/ Vandalism of Property	0	0	0	0	0	0	0	0	0

Hate Crimes on Campus									
OFFENSE	Total Occurrences- On Campus			Category of Bias for Crimes					
	2016	2017	2018	Race	Religion	Sexual Orientation	Gender	Disability	Ethnicity/ National Origin
Murder/Non-negligent manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offense-Forcible	0	0	0	0	0	0	0	0	0
Sex Offense- Non-Forcible	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0

FIRE LOG:

ABCSD does not have any on-campus student housing facilities, and is, therefore, not required to maintain a fire log. The school does maintain an incident report.

POLICIES

Policy for Preparing the Annual Disclosure of Crime Statistics:

Each year, prior to October 1st, ABCSD's staff work with the San Diego Police Department and its agencies in compiling crime statistics. Reports for this nature will include our campus, Hotel Sanford and public property within 500 feet of our campus. The report will be combined with any reports of crimes that are made to ABCSD's Owner/Director or any employee of the school and the final statistics will be reported to the students/employees whereby the report will be given to each student and employee prior to October 1st each year. The report can be viewed at <https://sandiegobarbercollege.com/wp-content/uploads/2016/10/Campus-Safety-and-Security-2016.pdf>. New students are provided with these statistics during orientation and new faculty and staff are provided this information in their new hire packets.

It is strongly encouraged that all students and employees take responsibility for paying attention to their surroundings at all times and be cautious in their interactions with others. Individuals should never go to their cars at night without an escort.

Who to Report Clery and Other Crimes

ABCSD has no Security personnel and is entirely dependent on the San Diego Police Department, state and federal officials for security. If you are a student, report any and all crimes you know about to the San Diego Police Department, and to ABCSD staff in the following sequence; The school Owner/Director, Associate Director, Instructors, and Business Office/Financial Aid Office Personnel. If you are faculty or staff, and cannot reach the School Director or Associate Director and you determine that this is an emergency the San Diego Police Department should be contacted and a report made to the appropriate authorities. Any suspicious person or activity in or around the campus should be reported immediately to one of the following authorities listed below. If there is an emergency of any sort 911 should be called immediately.

- Joseph Roccoforte (858) 688-5988 – Owner/School Director
- Michelle Roccoforte (619)234 -7703 – Associate Director
- Immediate Emergency- 911
- San Diego Police Department Non-Emergency: (619) 531-2000

Who to Report Clery and Other Crimes

ABCSD has identified staff and faculty by wearing a blue or red smock. However, these individuals are not trained in security and are not able to make arrests. Their role is to identify potential threats to the students, faculty, and staff, and to take the appropriate safety measures to minimize or eliminate any existing or potential threat. They are primary points of contact for any individual wanting to report criminal activity on or around the campus. If there is a situation that is determined to warrant law enforcement intervention, the San Diego Police Department will be contacted. The San Diego Police Department patrols the area on a frequent basis and alerts ABCSD to any suspicious activity. ABCSD has an “open-door” policy with law enforcement agencies; however, ABCSD does not have a written Memorandum of Understanding (MOU) with the local law enforcement.

Security and Access to the Buildings/Campus

ABCSD does not have security personnel. ABCSD’s practical floor and theory classroom is open from Tuesday- Saturday 8:00 a.m. to 8:30 p.m. ABCSD’s office is open Tuesday – Friday from 8:30 a.m. – 5:00 p.m. The school will be open to the public Tuesday – Friday 8:30 a.m. – 6:30 p.m. and Saturday from 8:30 a.m.-5:00 p.m. After hours, the school will be locked.

Students wear white smocks that identify them as students, but the school is small enough that individuals who students or graduates are not readily identifiable as needing to be questioned as to the nature of their business at the school. The practical floor has three entrances; the main entrance where the faculty, and public enter and exit, the side entrance, used for students entering and leaving the school, and the fire exit in the back office. The main entrance opens into a lobby; in order to get into the actual school, persons need to check in with the front reception counter before being let into the school. The theory classroom has one entrance, the main entrance. The office has one entrance, the main entrance.

ABCSD does not share a common parking lot; therefore, staff, students, and visitors will park on the street, or designated public parking areas. The parking lots are public property and should be lit. Any cars left overnight may be towed.

There are no campus housing facilities affiliated with the school.

Office Keys to Campus Facilities

Keys are provided to employees on a need-to enter basis as determined by the appropriate departmental manager. Lost or stolen keys must be reported immediately to Joseph Roccoforte. Keys may not be loaned to other staff members, family, and friends or to students.

The School Director will confiscate any keys, which have not been specifically issued to a particular individual. Unauthorized duplication and illegal possession of keys is a misdemeanor crime punishable by law. (Refer to California Penal code section 469).

Weapon Possession Policy

Firearms and weapons of any sort are prohibited on campus property. It is a serious violation of the law to possess a firearm or certain knives on campus on grounds or within buildings of the school. (Refer to Section 626.9 of the California penal code).

Campus Law Enforcement

ABCSD does not have a campus security. All campus crimes are referred to the San Diego Police Department. ABCSD has no special understanding or MOU with the San Diego Police Department.

Accurate and Prompt Reporting

ABCSD does not have a campus security police force. The Student Catalog encourages students to report criminal activity immediately to the police and then to school officials at ABCSD.

- Joseph Roccoforte (858) 688-5988 – Owner/School Director
- Immediate Emergency- 911
- San Diego Police Department Non-Emergency: (619) 531-2000

Pastoral and Professional Counselors

ABCSD has no pastoral or professional counselors. If counseling is needed, we encourage the student to contact: San Diego Pastoral Counseling Center 619-295-5871.

Criminal Activity off Campus

ABCSD does not have off campus locations of student organizations or off-campus housing facilities and does not have a policy nor is it required to have a policy. ABCSD does not monitor off campus activity.

Possession, Use and Sale of Illegal Drugs and Enforcement of Federal and State Drug Laws

The ABCSD campus has been designated “Drug Free.” The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the San Diego Police Department. Violators are subject to ABCSD disciplinary action, criminal prosecution, fine and imprisonment. The school’s Drug and Alcohol Abuse and Prevention Policy can be found on the school’s website <https://sandiegobarbercollege.com/wp-content/uploads/2016/10/Campus-Safety-and-Security-2016.pdf>

Possession, Use and Sale of Alcoholic Beverages and Enforcement of Underage Drinking

The possession, sale or the furnishing of alcohol on the ABCSD campus is governed the laws of the State of California. Laws regarding the possession, sale, consumption or furnishing of alcohol by anyone under 21 years of age in public place or a place open to the public is illegal. Organizations or groups violating alcohol/substance policies or laws may be subject to legal and ABCSD sanctions.

Drug and Alcohol Prevention and Education Plan

The ABCSD drug and alcohol prevention and education plan consist of a description of the California alcohol and drugs laws stated above and the information about ABCSD's policies pertaining to illegal drugs and to alcohol. ABCSD's Drug and Alcohol Policy can be found on the school's website www.associatedbarbercollege.edu. The Plan is also discussed during the student's orientation. The plan prevents illicit use of drugs and alcohol by students and employees. The plan provides services related to drug use and abuse including school's disciplinary actions. For help contact: CRASH (619)-233-8054 Lydia. Alcoholics Anonymous www.aa.org Narcotics Anonymous www.na.org American Council on Alcoholism 1-800-527-5344 www.aca-usa.org

Emergency Notification, ABCSD's Emergency Response and Evacuation Procedures

A school staff member or instructor will immediately, upon confirmation of the San Diego Police Department or appropriate authority, notify the campus community of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus. Examples of some impending emergencies are listed below:

- Earthquake
- Gas Leak
- Terrorist Incident
- Armed Intruder
- Bomb Threat
- Civil Unrest or Rioting

Posted throughout the school are maps of the evacuation routes; there are three exits on the practical floor and an exit at each of the office and the classroom. In addition to the evacuation maps, one of the designated members of the Response and Evacuation Team will instruct the students, staff, and clients of what the emergency is and what plan of action needs to be taken by them. Pending on the nature of the emergency, the proper authorities will be notified, whether it be the SDG&E for gas leaks, the Board of Health for contagious viruses, or the San Diego Police Department / San Diego County Fire Department, etc., pending the emergency.

Emergency Response and Evacuation Team

Joseph Roccoforte - Director

Michelle Roccoforte - Associate Director, Title IX Coordinator

Martha Sanchez – Financial Aid Administrator

Paula Alvarez – Admissions Administrator

Joshua Jackson – Instructor

Leandro Gan – Instructor

Shellynn McColl – Instructor

Marla Pineda – Office Assistant/ Receptionist

Confirmation of Emergency

To confirm an emergency, an institution staff member or instructor will verify that a legitimate emergency or dangerous situation exists. The following staff members are responsible in the sequence listed: Director/Owner, Associate Director/Owner, Instructor, Admissions Administrator, and Financial Aid Administrator. Confirmation doesn't necessarily mean that all of the pertinent details are known or even available. Confirmation may be made by calling San Diego Police Department. If these authorities are broadcasting warnings on the public media, the school authority may make a judgment based upon that type of confirmation.

Notification of Emergency

ABCSD will, without delay, and taking into account the safety of the community. Determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The Director or the school official in charge will personally tour the facility and tell all students and persons of the emergency. To communicate with students not in school, the school official in charge will post the emergency notifications and recommendations to the school Face Book, Instagram and/or call each student. The school official may also ask students to call, text, Instagram and face book through a formal or informal phone tree. Notifications may also be posted on the main entrance door.

Annual Emergency Notification and Evacuation Drill

In the case of a fire impending emergency, a school staff member will vocally communicate to the students to evacuate through the marked fire exits in an orderly fashion. Each student will escort her/his client to the fire exits where marked when possible. A school staff member will clear the building of all persons. All students, staff and clients will immediately gather in the Northwest corner of 5th Avenue and Ash Streets in the parking lot. The receptionist or school official will bring the enrollment roster out with her and conduct attendance and client check to determine if everyone is accounted for.

- The date of the most recent annual test is: April 11, 2019
- Time Elapsed: 15 minutes
- Unannounced

“Shelter in Place” Guidance

If an incident occurs, and the building you are in is not damaged, stay inside, seek an interior room until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, etc.) and follow the evacuation procedures for your building. Once you have evacuated, seek shelter at the nearest building quickly. If police or fire department personnel are on the scene, follow their directions.

How You Will Know to “Shelter in Place”

A shelter-in-place notification may come from several sources, including the San Diego Police Department or federal authorities.

How to “Shelter in Place”

No matter where you are, the basic steps of shelter-in-place will generally remain the same. Should the need ever arise, follow these steps, unless instructed otherwise by local emergency personnel:

1. If you are inside, stay where you are. Collect any emergency shelter-in-place supplies and a telephone to be used in case of an emergency. If you are outdoors, proceed into the closest building quickly or follow instructions from emergency personnel on the scene.
2. Locate a room to shelter inside. It should be: An interior room or above ground level; and without windows or with the least number of windows. If there is a large group of people inside a particular building, several rooms may be necessary.
3. Shut and lock all windows, (tight seal), and close exterior doors.
4. Turn off air conditioners, heaters, and fans.
5. Close vents to ventilation systems as you are able. (ABCSD will turn off ventilation as quickly as possible).
6. Make a list of the people with you and ask someone, (faculty or staff) to call the list in so they know where you are sheltering. If only students are present, one of the students should call in the list.
7. Turn on a radio or TV and listen for further instructions.

Timely Warning

In the event that a situation arises, either on campus or off-campus, which in the judgment of the School Director or Instructor constitutes an ongoing or continuing threat, a “timely warning” will be issued. The school is small enough that communication from the front of the school to the back of the school can occur rather rapidly and there are several phones within close proximity throughout the building. If there appears to be an immediate threat, the building will be evacuated. If there is a threat as a result of a criminal action that could potentially jeopardize the safety and well-being of the students, faculty and staff, all will staff members will be informed through a group text so that the staff can properly access the immediate circumstances. All faculty are required to wear “blue jackets” or embroidered black shirts to identify them as Instructors on site. If a student is given an order by a staff member, the student needs to adhere to the order. Anyone with information warranting a timely warning should report the circumstance to the San Diego Police Department or school officials by phone or in person.

Before issuing a Timely Warning, the school staff members shall determine the nature of the crime. ABCSD will consider the type of crime that was reported to determine if it is a Clery Crime. ABCSD will also consider if the crime is continuing danger to the campus community. (For example, if a rape is reported on campus and the alleged perpetrator has not been caught, the risk is there. If the alleged perpetrator was apprehended, there is no continuing risk.)

Missing Student Notification

ABCSD has no on-campus student housing facilities. Therefore, it is not required to have a missing student notification policy.

Addressing Preventing and Responding to Sex Offenses, Educational Programs to Promote the Awareness of Rape, Acquaintance Rape and Other Forcible and Non-Forcible Sex Offenses

ABCSD educates the student community about sexual assaults and date rape through mandatory Orientation where it refers students to literature on date rape education, risk reduction is available through the following website:

<http://www.sandiego.gov/police//services/prevention/victimresources/sexualassault/rapeisrape.shtml#hotline>

Hate Crimes

ABCSD, in addition to reporting crime statistics, is required to report any of the crimes as ones of hate crimes. The nature of the crime covers murder/non-negligent manslaughter, sex offenses-forcible or non-forcible (such as incest or statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, and any other crime involving bodily injury which is reported to local law enforcement or a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias. Beginning with the 2009 statistics, additional crimes were added: crimes of simple assault, larceny-theft, intimidation, and destruction/damage/vandalism of property. Also added, was the detailed categories of bias for crimes reported based upon: race, religion, sexual orientation, gender, disability, and ethnicity/national origin.

Sexual Assault and Sexual Harassment

ABCSD will not tolerate sexual assault of any kind. The term sexual assault is a general term that includes a variety of actions against any person without the person's consent, against the person's will, or under force, threat of force, or coercion. Consent cannot be given while intoxicated or medicated since these states inhibit an aware state of mind. The California Revised Code, Chapter 2907, defines sexual assault as: rape; sexual battery; unlawful sexual conduct with a minor; corruption of a minor; gross sexual imposition; sexual imposition; importuning; voyeurism and public indecency; or, any unwanted touching or act that is non-consensual and committed by the offender for the purpose of sexual gratification.

Future revisions, amendments, or additions to these or other applicable codes are incorporated in this policy by this reference. Sexual assaults of any kind are criminal offenses and are subject to criminal charges in the state of California. These violations of state law are also violations of ABCSD code of student conduct. Certain types of these offenses, including rape, sexual battery, and gross sexual imposition, may trigger a mandatory California Board of Regents academic dismissal hearing pursuant to California Revised Code 3345.23. Furthermore, ABCSD code of student conduct defines sexual assault as "any attempt or actual unwanted sexual contact, physical or nonphysical, in the absence of clear and voluntary consent. Clear and voluntary consent is consent that is given freely and actively in mutually agreed upon sexual activity. Consent is not clear or voluntary if it results from the use of physical force, threats, intimidation, or coercion. It is a violation of policy to have sex or sexual contact with someone who is known to be, or should be known to be incapable of making a rational, reasonable decision."

Disclosures to Alleged Victims of Crimes of Violence or Non-Forcible Sex Offense

ABCSD will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the school against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, ABCSD will provide results of the disciplinary hearing to the victim's next of kin, if so requested.

If you are a victim of a sexual assault at this institution, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The San Diego Police Department strongly advocates that a victim of sexual assault reports the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to an ABCSD staff member. Filing a police report with an ABCSD staff member will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from staff members.

Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- 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)
- Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

When a sexual assault victim contacts the Police Department, the Police Sex Crimes Unit will be notified as well. The victim of a sexual assault may choose for the investigation to be pursued through the San Diego Police Department. ABCSD's disciplinary proceedings, as well as, special guidelines for cases involving sexual misconduct are detailed in the Student Catalog. A student found guilty of violating the ABCSD sexual misconduct policy could be criminally prosecuted in the state courts and may be suspended or expelled from ABCSD for the first offense.

Advising the Campus Community about Sex Offenders

In accordance with the Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed at, institutions of higher education. The CSCPA is an amendment to the Jacob Wetterling Crimes against Children and Sexually Violent Offenders Act. The Federal Law requires state law enforcement provide ABCSD with a list of registered sex offenders who have indicated that they are either enrolled, employed or carrying on a vocation at ABCSD. ABCSD is required to inform the campus community that the registration list of sex offenders is available on line at: <http://www.meganslaw.ca.gov/>. If a student needs assistance in viewing this list, our office staff can be available to assist.

The CSCPA further amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in the act can prohibit an educational institution from disclosing information provided to the institution concerning sex offenders.

Voluntary Confidential Reporting

If you are the victim of a crime and do not want to pursue action within the criminal justice system, you may still want to consider making a confidential report. With your permission, a designee of ABCSD can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the school can keep accurate records of the number of incidents involving students, faculty, and staff, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

Sexual Harassment

1. General Statement Against and Definition of Sexual Harassment

Associated Barber College of San Diego (ABCSD) is committed to ensuring an environment for all members of its community that is fair, humane, and respectful - an environment which supports and rewards student, faculty and staff performance on the basis of relevant considerations such as ability and effort. Behaviors that inappropriately assert sexuality as relevant to student, faculty or staff performance damage this environment. Therefore, ABCSD strives to provide for its students, faculty and staff an educational and employment environment free of unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct or communications constituting sexual harassment as defined and otherwise prohibited by local, state and federal law. Sexual advances, requests for sexual favors or sexually-directed remarks constitute harassment when either:

1. Submission to such conduct is used or threatened to be used as the basis for academic or employment decisions; or
2. Such conduct directed against an individual persists despite its rejection.

Sexual harassment by any member of the ABCSD is prohibited. This prohibition includes peer harassment among students, staff or faculty. Sexual harassment by a faculty member or teaching assistant of a student over whom he or she has authority or by a supervisor of a member of the faculty or staff is particularly serious. Such conduct may easily create an intimidating, hostile or offensive environment.

Sexual harassment can take many forms. Some of these are overt and unambiguous, while others may be more subtle and indirect. Direct forms of sexual harassment include sexual assault and sexual advances accompanied by an offer or reward or threats of reprisal. Such behavior constitutes serious misconduct, and a single incident establishes grounds for a complaint. Other forms of sexual harassment include sexual advances, physical or verbal, that are repeated and unwanted.

Romantic relationships that might be appropriate in other contexts may, within a college, create the appearance or fact of an abuse of power or of undue advantage. Moreover, even when both parties have consented at the outset to a romantic involvement, such consent does not preclude a subsequent charge of sexual harassment against the instructor or supervisor.

2. Possible Individual Actions Other than Complaint

With respect to students, in circumstances where it would not jeopardize personal safety, job status or academic status, a student subjected to unwelcome attention should communicate clearly to the offender that the behavior is not welcomed and should cease immediately.

To the extent possible, an effort should be made to determine whether others have been harassed by the same offender. Together, complainants are in a stronger position to cope with the situation and the offender. Advice on how to deal with a situation may be sought from:

- The Title IX Coordinator, 619.234.7703, associatedirector@associatedbarbercollege.edu
- The School Director, 619.234.7703, info@associatedbarbercollege.edu
- Associate Director, 619.234.7703, associatedirector@associatedbarbercollege.edu

3. Making a Complaint; Investigatory Possibilities

If a student who believes that he or she was subject to sexual harassment is reluctant or unwilling to inform the alleged offender that the behavior is unwelcomed or he or she has done so but is not satisfied with the outcome, such student may file a complaint alleging violation(s) of this Policy with the Title IX Coordinator (contact information for both is noted above). The privacy of the student-complainant and those accused of violating this Policy will be protected throughout proceedings to the extent possible, and proceedings, meetings and hearings concerning harassment will, consistent with the relevant policies pursuant to which they are conducted, be closed. All reasonable measures will be taken to assure that no one involved in any complaint, investigation, or remedy shall suffer retaliation as a result of the proceedings, as ABCSD policy expressly forbids any such retaliation. Action will generally not be initiated without the consent of the student-complainant. However, ABCSD must retain, and hereby retains, the right to conduct an investigation without the consent of the student-complainant if it determines that such investigation is necessary to protect the interests of the individuals or ABCSD. A student-complainant who wishes to proceed with his or her complaint has two options: informal consultation and resolution, or formal action.

Note: Sexual misconduct (as defined in [Section C](#)) is a form of sexual harassment, but not all sexual harassment constitutes sexual misconduct. The adjudication of claims of sexual misconduct will always be handled pursuant to and in accordance with the policies and procedures applicable to sexual misconduct, including, the prohibition on the ability to mediate sexual assaults.

a. Informal Consultation and Resolution

The informal complaint resolution process seeks to provide an opportunity for the complaint to be resolved by mutual agreement between the student-complainant and the alleged offender. The implementation of this informal process will be the responsibility of the Associate Director, the Title IX Coordinator or such other senior official such as the School Director. The person assigned to implement this process is referred to as the “responsible party.” To ensure compliance with ABCSD’s legal obligations and/or as otherwise determined to be appropriate, the School Director and Title IX Coordinator may, at any time, require a complaint to be resolved through Formal Action.

Under the informal complaint resolution process, the responsible party is expected to review the complaint and explore avenues for informal resolution with the student-complainant. ABCSD recognizes that it must balance the student-complainant's right of privacy against the need to be fair to the alleged offender. To this end, after consulting with the student-complainant, the responsible party will meet with and provide the written complaint or a summary thereof to the alleged offender. The responsible party has the discretion to determine whether the situation warrants a meeting(s), either jointly with the student-complainant and the alleged offender or separately; provided, however, the student-complainant may not be compelled to meet with the alleged offender. Any person involved in the informal resolution discussion may be accompanied by an advisor of his or her choosing, whose purpose is only to support the individual not to participate in the process. The responsible party has the discretion to determine whether investigation of the complaint requires interviewing other persons who may have witnessed the alleged behavior or might have information that would otherwise be helpful to reaching a resolution.

The responsible party will seek to resolve complaints expeditiously, but in a manner that is consistent with the severity or complexity of the matter. It is generally expected that the informal resolution process will be completed within 30 business days. The responsible party will notify the complainant in writing of the results of the investigation and the action to be taken by ABCSD to resolve the complaint. If informal resolution fails to resolve the matter to the student-complainant's satisfaction, the complainant may initiate Formal Action.

b. Formal Action

At his or her option, a student-complainant may elect to forego or to cease Informational Consultation and Resolution and to proceed with Formal Action. This means that the appropriate, formal ABCSD policies and procedures will be utilized to investigate and resolve the complaint. In the case of student-on-student sexual harassment and in cases where the alleged perpetrator is a student, such policies and procedures are those provided for in this Student Catalog. If the alleged sexual harassment was perpetrated by an ABCSD faculty member or staff member, such policies and procedures are those provided for in the Employee Handbook, respectively.

VAWA / SaVE Acts

	2016		2017		2018	
	On Campus	Off Campus	On Campus	Off Campus	On Campus	Off Campus
Sexual Misconduct	0	0	0	0	0	0
Sexual Assault	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0
Rape Forced	0	0	0	0	0	1
Rape Non-forced	0	0	0	0	0	0

c. Sexual Misconduct

As set forth in the Code of Conduct in this Student Catalog, Associated Barber College of San Diego prohibits acts of sexual misconduct, which includes sexual assault, domestic violence, dating violence, sexual exploitation, and stalking. Definitions of the foregoing terms and other relevant details, including support services and procedural considerations, are set forth in this Section c. ABCSD respects the fact that the decisions whether to inform authorities and which authorities to inform rest with the individual who experienced the sexual misconduct. An individual who experienced sexual misconduct and desires to contact an authority should call the Associate Director (619-234-7703), (local police department) at 911 as soon as possible. Representatives from these offices are available to assist the victim in notifying law enforcement authorities if the victim so chooses. An individual who experienced sexual misconduct may also wish to contact a community-based sexual assault crisis center, and information, including names, addresses, websites and telephone numbers, for such centers is available at web. <https://www.associatedbarbercollege.edu>

Under federal law, all institutions of higher education must designate those of its staff with significant responsibility for student and campus activities as “Responsible Employees.” Responsible employees have an obligation to report immediately any information they come to learn regarding suspected Sexual Misconduct; thus, these individuals cannot agree to maintain privacy or confidentiality with respect to such matters. At ABCSD, Responsible Employees are to report such information to the Associate Director, the Title IX Coordinator. ABCSD has designated individuals holding the following titles/positions as Responsible Employees: the School Director, Associated Director and those designated to serve in the role of the instructor on staff.

In addition, consistent with its general crime reporting policies and procedures, members of the ABCSD who become aware of a possible incident of sexual misconduct are strongly encouraged to report it immediately to the School Director, Associate Director and/or local law enforcement.

1. Reporting Instances of Sexual Misconduct

If a person accused of the sexual misconduct is an ABCSD student, a complaint under the Code of Conduct may be formally filed with Associate Director, who is the Title IX Coordinator, The privacy of the complainant and respondent (the accused student) shall be protected throughout the proceedings to the extent possible, (see Subsection 4 below).

Though individuals are encouraged to come forward and report crimes, reports may be made anonymously by contacting the School Director at 619-234-7703 or filing a report at the administration office with the Associate Director. All reports of sexual misconduct against and by students will be reviewed by the Office of Student Affairs; however, the University's ability to investigate and to address alleged misconduct reported by anonymous sources is generally significantly limited. Accordingly, the more information that can be provided, the more thorough the investigation will likely be.

In cases of sexual misconduct, it is important to preserve relevant evidence as failure to do so could compromise any subsequent investigation, jeopardize the ability to punish the perpetrator and/or complicate the ability to obtain an order of protection. Though the decision of whether and when to report is up to the individual who experienced the sexual misconduct, delayed reporting may make it more difficult to find and convict/discipline the perpetrator. Thus, an individual who experienced sexual misconduct is encouraged to consider filing a report with the police; filing a report does not obligate the victim to press charges or pursue legal action. In order to preserve evidence, a victim should strongly consider obtaining an appropriate medical examination as soon as possible. Completion of a forensic examination does not require one to file a police report.

a. Order of Protection

If desired, a victim of sexual misconduct may seek an order of protection D.A. Victim Assistance Program 619-531-4041.

<http://211sandiego.org/partners/program-service-application>. For more assistance, you can contact San Diego agencies, such as, D.A. Victim Assistance Program 619-531-4041

24 Hour Countywide Crisis Line 888-385-4657

The decision to grant such an order in any particular instance is at the discretion of the court. If such an order is issued, ABCSC will honor it as and to the extent required by law.

2. Process

Complaints will be investigated and, if warranted, disciplinary proceedings will be initiated according to the procedures outlined in the Code of Conduct as supplemented by the provisions of this Section c. The preponderance of the evidence standard set forth in the Code of Conduct will also be used in all investigations and hearings pertaining to cases of sexual misconduct. Sanctions for cases of sexual misconduct will vary based on the nature and severity of the situation as well as the perpetrator's prior disciplinary history, if any. The full range of applicable sanctions is listed under Article II Section C (Conduct Sanctions) of the Code of Conduct. Pursuant to the Code of Conduct, sanctions of suspension and expulsion are automatically stayed and referred to the Provost for review. The School Director may make any determination outlined in the Code of Conduct, and such determination shall not be subject to further appeal on the basis that the sanction imposed was inappropriate to the offense.

Notwithstanding any provision of the Code of Conduct to the contrary, sexual assaults may not be mediated. Further, in cases of sexual misconduct, the complainant and respondent will not be permitted to directly question one another, unless both such parties have agreed to such questioning in writing. Upon request of either the complainant or respondent, at any time during the proceedings, ABCSD will provide reasonable accommodations to ensure that the complainant and respondent are separated, while still being able to hear one another. Both the complainant and respondent (i) will have equal access to the same information to be provided pursuant to the Code of Conduct in connection with a disciplinary proceeding and (ii) will be afforded the same opportunity to participate in the process equally, meaning the complainant will have the same rights and options as are afforded to the respondent under the Code of Conduct. Finally, consistent with the process and procedures and within the timeframes provided for in the Code of Conduct, both the complainant and respondent will have the same right to appeal a decision made and/or sanction imposed in matters involving complaints of sexual misconduct.

3. Confidentiality

a. General

ABCSD will generally seek to protect the privacy of all parties to a complaint or other report of sexual misconduct to the extent possible, and a number of the procedures outlined in this Student Catalog are intended to facilitate ABCSD's ability to do so. ABCSD will, to the extent permitted by law, also seek to ensure that the name and identifying information of an individual who has experienced sexual misconduct is not included in any publicly available records. However, when a complaint of sexual misconduct is received, ABCSD may well have an independent legal obligation to investigate the same and to respond in a way that limits the effects of the sexual misconduct and prevents its reoccurrence, even if the individual who experienced the sexual misconduct has elected, as is his or her right, not to pursue it or has declined to cooperate.

Accordingly, ABCSD reserves the right to share information during or after an investigation with people who reasonably need to know it in order to promote campus safety; comply with law; provide for a prompt, fair and impartial resolution; and/or institute accommodations or protective measure. Such individuals may include ABCSD officials, faculty members, staff, investigators, witnesses, the individual who experienced the sexual misconduct, and the person accused of committing such misconduct. If an individual who experienced sexual misconduct is unsure of someone's duties and abilities to maintain his or her privacy, he or she should ask the individual before speaking to them.

a. Persons with the Legal Ability to Maintain Confidentiality

ABCSD staff members are generally obligated by law to maintain confidentiality, and these individuals when so acting are not required by law to report criminal offenses, including sexual misconduct, about which they are informed.

[Rape Victims Advocates](#), located Health and Human Services Agency

County of San Diego
1600 Pacific Highway, Room 206
San Diego, CA 92101

The phone number for students needing to access Rape Victims Advocates' 24 hour Confidential Advisor services is Center for Community Solutions (CCS) Rape Crisis Hotline: 888-385-4657

Under California law, communications between a Confidential Advisor and an individual who has experienced sexual misconduct and all records related thereto are to remain confidential, unless (i) the survivor consents to a disclosure in writing, (ii) disclosure is mandated by law or court order, or (iii) failure to disclose such communication would result in a clear, imminent risk of serious physical injury to or death of the individual or another. In addition, a Confidential Advisor shall, on a monthly basis, report to ABCSD's Title IX Coordinator the number and type of incidents of sexual misconduct reported exclusively to the Confidential Advisor so as to permit ABCSD to fulfill its crime reporting obligations under state and federal law.

In the course of working with an individual who has experienced sexual misconduct, a Confidential Advisor will (i) inform him or her of the choice of possible next steps regarding reporting options and possible outcomes, whether through ABCSD policies and procedures or local law enforcement; (ii) notify him or her of the resources and services available to him or her, both on and off campus; (iii) discuss with him or her orders of protection and no contact orders; (iv) provide confidential services to and have privileged, confidential communications with him or her in accordance Civil Code, **SEXUAL ASSAULT, AND STALKING: PERSONAL INFORMATION [1798.79.8 - 1798.79.95]**.

4. Support Options

In an effort to advance the cause of deterrence and reduce the possibility of a student experiencing sexual misconduct, information concerning sexual misconduct, sexual misconduct prevention options and warning signs, and safe and positive options for bystander intervention is available at www.associatedbarbercollege.edu. The option to seek accommodations is available regardless of whether the victim has elected to report the crime to campus police or local law enforcement.

Upon learning that a student has reported that he or she experienced sexual misconduct (and within 12 hours after receiving an incident report), whether the offense occurred on or off campus, the student will be provided the following information in writing: (i) the possible sanctions or protective measures that could be imposed upon an individual found, after a disciplinary proceeding pursuant to the Code of Conduct, to have committed such an offense after a disciplinary proceeding; (ii) procedures an individual who has experienced sexual misconduct should consider, including, but not limited to, information about the importance of preserving evidence, to whom the alleged offense should be reported, and options regarding law enforcement and campus public safety authorities, including notifying the same, how ABCSD staff can assist with making such notification and the individual's right to decline to notify such authorities; (iii) the ability of an individual who has experienced sexual misconduct seek to secure an order of protection or no contact orders under California law; (iv) detailed information concerning ABCSD's disciplinary process for cases of sexual misconduct, including the victim's rights and options there under; (v) information about how and to what extent ABCSD can and will protect the confidentiality of victims; (vi) available counseling, physical and mental health treatment options, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims of sexual misconduct both on campus and in the area; (vii) options for, and available assistance in, changing academic, living, dining transportation and working situations (collectively, known as "accommodations"); and (viii) contact information ABCSD's Title IX Coordinator, as well as, local law enforcement and community-based sexual assault crisis centers.

5. Definitions Applicable to Sexual Misconduct

a. Consent

Consent represents the cornerstone of respectful and healthy intimate relationships. ABCSD strongly encourages its community members to communicate – openly, honestly and clearly – about their actions, wishes, and intentions when it comes to sexual behavior, and to do so before engaging in intimate conduct. It is always the requirement of the individual initiating sexual contact (or undertaking a new type of sexual activity) to ensure that consent is present before acting and is present during sexual activity.

When determining whether consent was present, ABCSD will consider whether a reasonable person in the same circumstances should have known whether the other party could or could not consent to the sexual activity. Thus, to have sex with someone who you know to be, or should have known to be incapable of making a rational, reasonable decision about a sexual situation is a violation of this policy (e.g. an intoxicated person or someone with a temporary or permanent mental or emotional impairment). Consent is not present when an individual does not have the capacity to give consent, voluntarily or involuntarily, due to age (younger than 17 in California), physical condition, or disability that impairs the individual's ability to give consent. Reasons why one could lack capacity to give consent due to a physical condition include, but are not limited to, consumption of drugs or alcohol (voluntarily or involuntarily) or being in a state of unconsciousness, sleep, or other state in which the person is unaware that sexual activity is occurring. To be clear, a person may appear to be giving consent but may not have the capacity to do so; in which case, the apparent consent is not effective. If there is any doubt as to another person's capacity to give consent, one should assume that the other person does not have the capacity to give consent. Being intoxicated or impaired by drugs or alcohol does not excuse one from the responsibility to obtain consent. Being intoxicated or impaired by drugs or alcohol is never an excuse to commit sexual misconduct.

With the foregoing, consent means the existence of clearly understandable words or actions that manifest a knowing, active, voluntary, and present and ongoing agreement to engage in specific sexual or intimate conduct. Consent must be all of the following:

Knowing: Consent must demonstrate that all individuals are in a state of mind to understand, to be aware of, and to agree to the "who" (same partners), "what" (same acts), "where" (same location), "when" (same time), and "how" (the same way and under the same conditions) of sexual or intimate activity.

Active: Consent must be communicated in clearly understandable words or actions that reveal one's expectations and agreement to engage in specific sexual or intimate activity. This means that silence, passivity, submission, or the lack of verbal or physical resistance (including the lack of a "no") should not - in and of itself - be understood as consent. Consent cannot be inferred by an individual's manner of dress, the giving or acceptance of gifts, the extension or acceptance of an invitation to go to a private room or location, or going on a date.

Voluntary: Consent must be freely given and cannot be the result of forces (violence, physical restraint, or the presence of a weapon), threats (indication of intent to harm, whether direct or indirect), intimidation (extortion, menacing behavior, bullying), coercion (under pressure) or fraud (misrepresentation or material omission about oneself or the present situation in order to gain permission for sexual or intimate activity).

Present and ongoing: Consent must exist at the time of the sexual or intimate activity. Consent to previous sexual or intimate activity does not imply consent to later sexual or intimate acts; similarly, consent to one type of sexual or intimate activity does not imply consent to other sexual or intimate acts. Consent may also be withdrawn at any time by the person making known, by articulated word or concrete action, his or her intention to withdraw it, and thereupon, the sexual or intimate activity should immediately cease.

b. Specific Acts of Sexual Misconduct

As set forth in the Code of Conduct, ABCSD prohibits all forms of sexual misconduct. Such conduct violates the community values and principles of ABCSD and disrupts the living, learning, and working environment for students, faculty, staff and other community members. Therefore, ABCSD's Code of Conduct prohibits the actions noted in the Code of Conduct as the same are defined below. An attempt to commit any such act, as well as assisting or willfully encouraging any such act, is also considered a violation of the Code of Conduct. An act may violate one or more provisions of the Code of Conduct; thus, ABCSD reserves the right to bring multiple charges against an individual for a single act. As circumstances warrant, a student may also be held responsible for the misconduct of his or her visitors and guests. The terms and definitions below are important components of ABCSD's Code of Conduct. The definitions are intended to give meaning to these terms in the context of the ABCSD's community.

i. Sexual Assault

1. Sexual Penetration without Consent (e.g., rape): Any penetration of the sex organs or anus of another person when consent is not present, or any penetration of the mouth of another person with a sex organ when consent is not present. This includes penetration or intrusion, however slight, of the sex organs or anus of another person by an object or any part of the body, specifically including cunnilingus, fellatio, vaginal intercourse, and anal intercourse.

2. Sexual Contact without Consent (e.g., fondling): Knowingly touching or fondling a person's genitals, breasts, thighs, groin, or buttocks, or knowingly touching a person with one's own genitals, breasts or buttocks, when consent is not present. This includes contact done directly or indirectly through clothing, bodily fluids, or with an object. It also includes causing or inducing a person, when consent is not present, similarly to touch or fondle oneself or someone else.

3. Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by the laws of the state in which the incident occurred.

4. Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent under the laws of the state in which the incident occurred, which, under the laws of the State of California, the age of consent is 17.

ii. Sexual Exploitation

Taking sexual advantage of another person for the benefit of oneself or a third party in any of the following ways or by any of the following means, including via electronic means, methods or devices, includes but not limited to:

1. Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent;
2. Indecent or lewd exposure or inducing others to expose themselves when consent is not present;
3. Recording or taking, without regard to any distribution, photos, images, video or the like of (i) any person engaged in sexual or intimate activity or who is naked or otherwise in a state of undress, (ii) who is in a private space or a place where the person has a reasonable expectation of privacy, and (iii) without that person's consent;
4. Distributing in any format, including electronic and via social media, and without regard to who took or created the same, sexual information or photos, images, videos or the like, of the type described in 3 above, about or of another person without that person's consent;
5. Recruiting, harboring, transporting, providing, or obtaining another person for the purpose of sexual exploitation;
6. Inducing incapacitation in another person with the intent to engage in sexual conduct, regardless of whether prohibited sexual conduct actually occurs.

iii. Stalking

The following elements constitute stalking:

1. Engaging in a course of conduct, meaning two or more acts, that is directed at a specific person;
2. In which a perpetrator – directly, indirectly or through third parties – by any action, method, device or means, including electronic: follows, monitors, observes, surveils, threatens or communicates to or about said person or interferes with said person's property; and
3. Such that a reasonable person, meaning one under similar circumstances and with similar identities to the person to whom in the conduct is directed, would: fear for his or her safety or the safety of others; or suffer substantial emotional distress, meaning significant mental suffering or anguish regardless of whether such anguish does or does not require medical or other professional treatment or counseling

Provide all of the foregoing elements are satisfied, the following is a non-exhaustive list of examples of acts that could constitute stalking: following a person; being or remaining in close proximity to a person; entering or remaining on or near a person's property, residence, or place of employment; using electronic devices to monitor, observe or conduct surveillance of a person; threatening, by word or deed, a person; unwelcome, incessant electronic or telephonic communication or electronic posting to or about a person; giving gifts or objects to or leaving items for a person; and interfering with or damaging a person's possessions or pets.

iv. Dating/Domestic Violence

Intimidation; harassment; physical abuse, including hitting, slapping, shoving, grabbing, pinching, biting, hair pulling or any act that would constitute a crime of violence under state law; sexual abuse, including rape, attacks on sexual parts of the body, forcing sex after physical violence, treating one in a sexually demeaning manner, coercing or attempting to coerce any sexual contact or behavior without consent; psychological or emotional abuse, including any pattern of behavior undermining an individual's sense of self-worth or self-esteem through constant criticism, diminishing one's abilities, name-calling or damaging one's relationship with one's children; or interference with personal liberty of any person by someone in an intimate relationship, as described below.

The case of Dating Violence, the following initiate relationships are covered: persons who have or have had a dating relationship; and persons who have or have had a social relationship of a romantic or intimate nature. The existence of such a relationship is determined based on the reporting party's statements and with consideration to the length of the relationship, the type of relationship and the frequency of interaction between persons involved in the relationship.

In the case of Domestic Violence, the following intimate relationships are covered: current and former spouses; current and former domestic partners; intimate partners or dating partners who share or formerly shared a common dwelling; persons who otherwise have a child in common or share a relationship through a child; and any other person protected by the domestic and family laws of the State of California.

7. Retaliation

ABCSD strictly prohibits any material adverse action against any individual for, in good faith, reporting, providing information, exercising one's rights or responsibilities under this Section or the Code of Conduct, or otherwise being involved in the process of responding to, investigating, or addressing allegations of sexual misconduct. All reasonable measures will be taken to assure that no one involved in any complaint, investigation, or remedy suffers retaliation as a result of the proceedings. To this end, any retaliatory actions, including, but not limited to, intimidation, threats, coercion, denial of benefits or the like, against any such individual for having engaged in good faith in any of the above activities is prohibited and will be addressed in the most serious way by ABCSD. Anyone who suffers retaliation or is aware of possible retaliation or has other concerns regarding the response to a complaint of sexual misconduct should report such concerns to the Associated Director who is our Title IX Coordinator or the School Director; either party will investigate the matter and make findings so Associated Director can take appropriate actions to address such conduct in a fair and impartial manner. The Title IX Coordinator may be reached at 619-234-7703 or associateddirector@associatedbarbercollege.edu. The School Director may be reached at 619-234-7703 or info@associatedbarbercollege.edu

8. Amnesty for Sexual Misconduct Complainants and Witnesses

ABCSD encourages reporting of sexual misconduct and seeks to remove any barriers to an individual making a report. To this end, ABCSD recognizes that an individual who was drinking or using drugs at the time of such an incident may be hesitant to make a report because of potential consequences for their own conduct. Accordingly, an individual(s) who, in good faith, reports sexual misconduct that was directed at them or another person, either as a Complainant or a third party witness, will not be subject to disciplinary action by ABCSD solely for their own personal consumption of alcohol or drugs.

National, State and Local Victim Resource Organizations

San Diego 24 Hour Crisis Hotline (800) 479-3339

San Diego Domestic Violence & Rape 24 Hour Hotline (888) DVLINKS

Domestic Violence & Sexual Assault 24 Hour Hotline (800) 799-SAFE

San Diego Child Protective Services 24 Hour Hotline (800) 344-6000

San Diego Adult Protective Services 24 Hour Hotline (800) 510-2020

National Center for Victims of Crime (703) 276-2880

Official Office for Victims of Crime: <http://www.ojp.usdoj.gov>

National Organization for Victim Assistance 800-879-6682 9am-5pm ET, Monday-Friday

National Victims' Constitutional Amendment Network (NVCAN) <http://www.nvcap.org>

National Domestic Violence Hotline (800) 799-7233 (800) 787-3224 (TTY for the deaf)

The campus community is proud of its crime-free reputation. All citizens of the community may be confident that all reasonable attempts will be made to protect the identity of persons reporting incidents of criminal behavior insofar as the apprehension and, where appropriate, the prosecution of the alleged perpetrators will allow. But, it must be understood that anonymity might not be possible in some cases.

Safety and Security Tips

WHERE: It is very important to us to know exactly where you are when you call.

Whenever possible note the location (room, building, street, etc.) where the incident occurred.

If the perpetrator is no longer near you, try to remember the route he or she took to leave the area.

WHAT: Tell us what exactly happened.

WHEN: Tell us when the incident occurred and approximately how long.

WHO: Describe the perpetrator's characteristics (hair color, race, height, weight, clothing and any markings. (Such as moles, tattoos, etc.)

HOW: Be prepared to explain how the incident occurred.

On campus tips and Off Campus Tips

- Be aware of your surroundings at all times.
- Avoid and use caution when walking through parking lots.
- Keep personal belongings in view while in class.
- Learn self-defense techniques by enrolling in classes.

CLEAR STATEMENT OF THE SCHOOL'S COMMITMENT TO VAWA

The ABCSD is committed to providing a safe environment for students, staff and faculty and is committed to the heart and spirit of VAWA.

What is covered by Vawa: Students and Staff on the school property between the hours of 8:00am – 8:30pm Tuesday thru Friday and Saturday 8:00am- 5:30pm are covered by VAWA. The school property includes the interior of the building and the sidewalk adjacent to the entrance. As a reminder, no student, staff or faculty member should be on the property before 8:00am, after 8:30pm and on Sundays and Mondays unless they have permission.

- Off-site activities in which the students, staff and faculty participate are covered by the policy.
- Students attending the Barber 1500 Hour Course or the Barber Crossover Course are covered by the policy.

If a student is victimized off school property, the student may certainly talk to someone at the school for guidance. However, the school cannot investigate or adjudicate this type of incident as the perpetrator is not a student and outside the scope of this policy.

Investigation Procedures and Protocols

The school's Title IX Coordinator is not expected to be a lawyer, police officer or any type of law enforcement or investigative professional. The adjudication aspects of VAWA will need to be done with the conjunction with the local law enforcement and/or local domestic or sexual violence centers.

Students ARE NOT required to report any victimization to the school, police or sexual violence crisis centers.

If victimization should be reported to the school, investigation and adjudication will be performed to the best of the ability of the Title IX Coordinator. The Title IX Coordinator does not possess skills which can be better performed by law enforcement or sexual violence crisis centers. At present the United States Department of Education will not have approved trainers or training for at least 2 years as explained by James Moore on April 15, 2015 at the PCCS conference in Philadelphia. We do not want to minimize the importance of a proper investigation and adjudication. Any student who wants a properly done investigation and adjudication should know this information.

If victimization remains confidential and does not reveal the perpetrator's name there will be no investigation. Should the victim want an investigation the Title IX Coordinator will explain what can be done without the help of law enforcement. This will depend on the incident. If the victim wants law enforcement involved they will be called and take over the case.

Time Frame for Investigation: If an investigation is done by the school the time frame will depend on the type of incident and possible other unanticipated factors however every effort will be made to conduct the investigation in a timely manner. If the victim wants local law enforcement to do the investigation the time frame will be explained by them.

Preserving Evidence: The school does not have expertise in this area and does not make any statements or guarantees in this area.

Equitable Rights: The Title IX Coordinator will make every effort to provide equitable rights to the victim and perpetrator during the school's process through all channels available while protecting the victim.

Information Sharing: The victim will determine what information may or may not be shared with law enforcement unless the information must be shared for the public safety. That will be discussed with the victim prior to any disclosures.

GRIEVANCE/ADJUCATION PROCEDURES

Adjudication: Mediation is not used in sexual assault cases but may be used in other areas covered by VAWA. The school will never assume any person is in violation of the school's policy. The preponderance-of-the-evidence (i.e. more likely than not) standard will be used in any Title IX fact-finding and related proceedings, including hearings;

Identify the adjudicators, including:

The adjudicators will be the Title IX Coordinator and all responsible employees as identified in this document. If the police are brought in that would determine who the adjudicators will be.

There is no training available to determine whether an incident occurred. The school will enlist the services of the San Diego Police to make this determination.

Determine the Sanction: The sanction will be determined by the Title IX Coordinator with the advice of the council and the school's responsible employees. The school reserves the right to take whatever measures it deems necessary in response to an allegation of sexual misconduct in order to protect student's rights and safety. Not all sexual misconduct will be deemed equally serious and the school reserves the right to impose a range of sanctions, ranging from verbal warning to expulsion, depending on the severity of the offense. The school will consider the concerns of both the complainant and the person accused of sexual misconduct. This would be done without revealing the victim's name if so desired by the victim.

If the victim or perpetrator is concerned with a possible conflict of interest they may put their concerns in writing to be reviewed by the Title IX Coordinator and the responsible parties.

Both parties will receive notice of hearings. There will be an opportunity for both parties to present witnesses and other evidence, including: the victim, perpetrator and their witnesses if deemed appropriate by the Title IX Coordinator.

Evidence may be presented if approved by the Title IX Coordinator prior to the hearing. Questioning or evidence about the complainant's prior sexual conduct with anyone other than the alleged perpetrator is prohibited.

Evidence of prior consensual dating or sexual relationship between the parties by itself does not imply consent or preclude a finding of sexual misconduct.

Cross examination is not permitted.

Possible results of the adjudication process:

Sanctions: Restrictions on off-campus school activities, suspension and termination from attendance.

Remedies/accommodations for the victim; if additional remedies are needed for the victim they will be reviewed with the victim prior to adoption or implementation to determine the best course of action.

Additional remedies for the school community: If additional remedies are needed for the school community, they will be reviewed with the school community prior to adoption or implementation.

The parties will be informed of the results of the adjudication;

Written notice to both parties of the outcome of the complaint. There will be no option for appeal.

The school will not require a party to abide by a nondisclosure agreement, in writing or otherwise, that would prevent the re-disclosure of the information related to the outcome of the proceeding.

There is no appeal.

PREVENTION AND EDUCATION

VAWA policies are reviewed at each student's orientation. Orientations are held 10 times a year and a student may feel free to repeat an orientation class after given 1-week prior notice to the director.

TRAINING

The school's employees are trained on a yearly basis by area professionals. Staff meetings regarding these policies are yearly with detailed changes elaborated.

For more information refer to our Policy and Procedures on Sexual Harassment and VAWA/SaVE Acts.

A. Alcohol and Drug Policies

1. Drug-Free Policy

Associated Barber College of San Diego believes that the illegal use of drugs and alcohol presents a serious health and safety hazard and interferes with educational and occupational success. Students, faculty and staff may not consume alcoholic beverages on school property, during classes, or in connection with activities officially sponsored by the school.

Associated Barber College of San Diego supports all federal, state and local ordinances pertaining to alcohol and drugs and will fully cooperate with law enforcement authorities to protect the students, staff and faculty of the institution from the illegal possession, purchase, sale, and manufacture of controlled substances and alcohol. The institution will refer offenders to the proper civil authorities. Regardless of whether the legal action is pursued by the school or outside agencies, disciplinary action will be taken by the institution for violations of the law. All students, faculty and staff should be familiar with the Drug Free Campus Policy and abide by it. In addition, all college faculty, staff and student employees must be in compliance with the Associated Barber College of San Diego Drug Free Workplace Policy.

Behavior that disrupts the educational environment, causes public inconvenience, annoyance or alarm, or recklessly creates a risk to people and/or property even though motivated by alcohol is a violation of law and institution policy.

a. Health Risks

As part of the effort to create a drug-free campus, Associated Barber College of San Diego believes that the all staff and students should be educated about the physical and emotional health hazards the misuse of drugs and alcohol presents. Associated Barber College of San Diego provides the following information. Listed below are some of the health risks associated with using/abusing alcohol and various drugs. For additional information on alcohol- and drug-related health risks please visit www.factsontap.org, www.drugfreeamerica.org and www.whitehousedrugpolicy.gov. (Please note that the dangers associated with substance abuse are not limited to only the conditions listed below.)

Health Risks:

Substance	Known Health Risks
Alcohol	Heart and liver damage; brain damage; death from overdose and accidents.
Marijuana / Hashish	Impaired memory perception, interference with psychological maturation, possible damage to lungs and heart, psychological dependence.
Cocaine	Intense psychological dependence, sleeplessness and anxiety, nasal passage damage, lung damage, and death from overdose.
Stimulants	Loss of appetite, hallucinations, paranoia, convulsions, brain damage, cancers of the lung, throat, mouth, death from overdose.

b. Alcohol Policy

The possession, consumption, or sale of alcohol on campus or at institution sponsored activities is prohibited, unless specifically sanctioned by the institution and allowed by state and local alcoholic beverage regulations. The use of alcoholic beverages in the following instances must be approved by the President or his or her designee: (1) on campus and at functions sponsored by, or primarily for, students; and (2) at off-campus student functions sponsored by recognized student organizations.

Non-alcoholic beverages and food items must be available at the same place as the alcoholic beverages and readily accessible as long as alcoholic beverages are available. Advertisements for social functions may not describe the availability of alcohol as a promotional tool nor promote consumption of alcohol by minors.

All persons must have proof of age at any activity involving the consumption of alcoholic beverages. If alcoholic beverages are served, the sponsoring organization must implement precautionary measures to ensure that alcoholic beverages are not accessible or served to persons under the legal drinking age or to persons who appear to be intoxicated.

Individuals involved in the illegal use or distribution of alcohol are subject to arrest and institution disciplinary action.

c. Drugs

Associated Barber College of San Diego prohibits the possession, use, or distribution of illegal drugs on institution property. Possession, sale, use, or distribution of controlled substances, including marijuana, is a violation of federal and state laws and institution policy. Students and employees who violate state or federal drug laws will be referred by Associated Barber College of San Diego institution to the appropriate authorities for criminal prosecution, and, if convicted, may be subject to suspension, termination, or expulsion from the institution.

Legal Sanctions for Unlawful Possession of Alcohol and Drugs

In addition to violating institution policy, unlawful possession of alcohol and drugs may violate federal and state laws. Students and employees entering institution property under the influence of alcohol or drugs will be referred to treatment and/or reported to local authorities. All other persons will be reported to local authorities immediately. The following summary provides information on some of the potential legal penalties for drug and alcohol violations:

d. Alcohol Violations

The legal drinking age in the United States is 21 in all 50 states and the District of Columbia. Legal drinking age is 18 in the U.S. Virgin Islands, Puerto Rico and Guam. Persons possessing or consuming alcohol under the legal drinking age may face fines or jail time. Many states impose severe penalties for persons using false identification to purchase or consume alcohol. Driving while under the influence of alcohol is a serious offense. In addition to restrictions on blood alcohol content for drivers above the legal drinking age, many states also have strict “zero tolerance” laws prohibiting driving under the influence of any amount of alcohol if the driver is under the age of 21.

Specific information on legal penalties for alcohol violations in the states in which the campus has physical campuses can be located at the following websites:

California

California Department Alcoholic Beverage Control

<https://www.abc.ca.gov/LawsRulesReg.html>

National

National Traffic Highway Safety Commission: “Stop Impaired Driving”

<http://www.stopimpaireddriving.org/>

e. Drug Violations

Possession of any controlled substance, including drugs such as marijuana, cocaine, LSD and ecstasy, as well as unauthorized prescription medications, drug paraphernalia and materials used to manufacture or distribute illegal drugs, can result in serious penalties under federal and state laws, including imprisonment and large fines. Penalties increase sharply if the conviction involves possession, distribution or manufacture of controlled substances while on the grounds of a school or college.

In addition, students convicted of possessing or selling illegal drugs (not including alcohol and tobacco) may be ineligible to participate in federal student loan programs offered by the U.S. Department of Education. Additional information on penalties for violating controlled substance laws can be found at the website for the Drug Enforcement Administration, located at the following link: <http://www.justice.gov/dea/pubs/abuse/1-csa.htm#Penalties>

4. Treatment Resources for Alcohol and Drug Addiction

Students or employees who need assistance in overcoming alcohol- or drug-related problems are encouraged to contact the substance abuse organizations listed below or in the additional resource listing in Part V of this report.

Substance Abuse & Mental Health Services Association
1-800-662-HELP
www.samhsa.gov

The Substance Abuse & Mental Health Services Association (“SAMHSA”) is the Federal agency charged with improving the quality and availability of prevention, treatment, and rehabilitative services in order to reduce illness, death, disability, and cost to society resulting from substance abuse and mental illnesses.

The SAMHSA website has a treatment facility locator searchable by type of treatment, form of treatment and forms of payment accepted.

American Council on Alcoholism 1-800-527-5344, www.aca-usa.org

The American Council on Alcoholism (ACA) is a national non-profit health organization dedicated to educating the public about the effects of alcohol, alcoholism, and alcohol abuse, as well as the need for prompt, effective, available, and affordable treatment.

Alcoholics Anonymous www.aa.org

Alcoholics Anonymous is worldwide with meetings in almost every community. Contact a nearby central office, or answering service to find specific locations. Telephone numbers for Alcoholics Anonymous are often listed in local telephone directories. Outside of the United States and Canada, contact the International General Services Office.

Narcotics Anonymous www.na.org

Narcotics Anonymous is an international, community-based association of recovering drug addicts with more than 31,000 weekly meetings in over 100 countries worldwide. To find a meeting in your area, contact one of the registered Narcotics Anonymous service committees and groups.