INTRODUCTION

This document has been designated to inform all students and employees about the campus security and Title IX policies and procedures.

This institution is required to publish and distribute an annual security report by October 1st to all enrolled students and all employees. The annual disclosure document is done each year by contacting the location police department and the building management to compile the statistics used in the report. All crimes are reported based on the calendar year in which the crime was reported to local police agencies.

Notice of the availability of the report is provided to all prospective students, employees, and published on the institution's website at https://www.adrians.edu. The report contains crime statistics and various policy statements. These statements accurately reflect how the institution's policies are currently implemented.

CAMPUS SECURITY

Procedures for Reporting

Any person witnessing some form of criminal action or other emergency should report it to the manager on duty, or senior educator at the college. The Director will investigate the incident and report it to the local Police Department if appropriate. Community members, students, educators, staff, and visitors are encouraged to report all crimes, emergencies, and safety concerns to the Director or Educators in a timely manner.

Timely Warning Reports Regarding the Occurrence of Clery Act Crimes

A timely warning will be issued by the Director or Senior Educator when a situation arises that in the judgment of the director constitutes an ongoing or continuing threat regarding the occurrence of Clery Act crimes. The warning will be issued in the following manner:

- By text message to students phone number on record, if possible,
- By e-mail to educators and staff through their personal e-mail account
- By text messages to educators, staff, and students

A timely warning will include the reported offense, the location of the reported offense, the date of the reported offense if known, a description of suspects if available, and any other information that would promote safety.

Annual Disclosure of Crime Statistics

Each year before the Department of Education reporting website opens for registration, the Compliance Officer requests the crime statistics information from the police and/or sheriffs departments for the geographical jurisdictions in which the schools are located. The information is compiled into the Annual Security Report Statistics section and entered appropriately into the Department's website for each

school location. The report is distributed on or before October 1 each year, via the school's website, to current students and employees. It is also presented in person and via email at staff meetings and student theory classes and to new students and employees at Orientation sessions that are mandatory for new enrollees before starting class and new hires before starting work in their designated area.

Documenting Crimes and VAWA Violations

Crimes occurring on campus are to be documented in the Campus Crime Log with a brief narrative sent to Compliance. VAWA (Violence Against Women Act) Crimes occurring both on or off campus that are reported must be documented in the Campus Crime Log and have the complaint submitted to the Title IX Coordinator to begin investigating the crime incident.

A crime, emergency, or safety concern may also be reported to the following campus officials:

- Campus Director/Manager – North Adrian's College of Beauty (Modesto) – Phone (209) 526-2040
- Associate Director/Manager – Adrians Beauty College of Tracy (Tracy) – Phone (209) 835-3550
- Crimes, emergencies, and safety concerns at North Adrian's College of Beauty should also be reported to the Modesto Police Department at (209) 572-9500
- Crimes, emergencies, and safety concerns at Adrians Beauty College of Tracy should also be reported to the Tracy Police Department at (209) 831-6550
- Reports may also be made by calling 911 for any of the campus locations.

Voluntary and Confidential Reporting Procedures

If you are the victim of a crime and do not want to pursue action though NACOB or ABCOT or the criminal justice system, you may still want to consider making a voluntary, confidential report. With your permission, the Director 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 college can keep an accurate record of the number of incidents involving students, educators, staff, and visitors; determine where there is a pattern of crime regarding 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 crime statistics for NACOB and ABCOT.

Safety of and Access to Campus Facilities

NACOB or ABCOT does not operate on-campus or off-campus housing facilities.

During business hours, NACOB and ABCOT are open to students, parents, employees, prospective students, clients, and guests. All facilities are locked during non-business hours. During these hours, only authorized personnel are permitted on the premises. During non-business hours, access to NACOB or ABCOT is by key and security code password if issued to an individual. The Director, office staff, receptionist or educators will unlock the premises and terminate the alarm each morning. Academic and administrative areas on campus are normally locked after business hours, unless they are being used for

legitimate evening or educational purposes. The night educator and/or receptionist will lock up and set the alarm in the evening at closing time. There will always be two employees closing the facilities in the evening. The alarm system is a motion detected security system. If the system is activated, law enforcement is summoned automatically.

Maintenance of Campus Facilities

Throughout the year, maintenance is performed weekly at the schools. The maintenance crew and administrators survey the security issues such as parking lots, landscaping, locks, alarms, lighting, and communications to make necessary changes when needed.

Campus Law Enforcement

NACOB or ABCOT does not employ any private security personnel or have a campus police department. The individual colleges work with their local law enforcement agency if an issue arises at the school. All incident reports involving students are forwarded to the Director, Associate Director, or manager of each campus for review and potential disciplinary action. If assistance is required from other law enforcement, local fire departments, or other emergency agencies, the Director, Associate Director, or Manager will contact the appropriate unit.

No written MOUs are in place with local law enforcement agencies. Assistance is requested on an as-needed basis.

Accurate and Prompt Reporting of All Crimes

Community members, students, educators, staff, and visitors are encouraged to report all crimes, emergencies, and safety concerns to the Director in a timely manner.

Pastoral and Professional Counselors

NACOB and ABCOT do not employ any pastoral or professional counselors. If deemed appropriate, students and staff are referred to outside professional agencies. A list of these agencies is available in the Resource Binder kept in the Directors or Financial Aid/Compliance Office and includes up to date online contact information for Stanislaus and San Joaquin County sites.

Programs to Inform Students and Employees About Campus Safety

The College has programs to inform students and employees about campus security procedures and practices for the prevention of crimes and to encourage students and employees to be responsible for their own security and the security of others. During monthly new-student orientation, new employees on-boarding and regular staff meetings, as well as periodically in classes or student huddles, students and employees are informed about the importance of maintaining secure premises, including the following safety tips:

- Stay alert to your surroundings, wherever you are.
- If you feel uncomfortable in a place, leave right away.

- Keep your eyes and ears open, hands free.
- Choose busy streets and avoid going through deserted areas.
- At night, walk in well-lit areas in groups whenever possible.
- Try not to walk or jog alone. Take a friend or walk in groups.
- Avoid carrying large sums of cash.
- When in public areas, keep valuable items including jewelry, mobile phones and wallets out of sight.
- Avoid returning to campus after dark or walk in groups to and from buildings.

Staff are also reminded that they can assist in crime prevention by ensuring that all doors are locked at the appropriate times. Also, they must report any suspicious situations to the Director, Associate, Director, or manager.

Monitoring Criminal Activity at Off-Campus Locations

The college operates no off-campus housing and does not recognize any off-campus student organizations.

Possession, Use, & Sale of Alcoholic Beverages or Illegal Drugs

The sale or use of alcohol and illegal drugs are note permitted at the school or its adjacent parking facilities. Anyone observed using illegal drugs and any underage alcoholic consumption should be reported to the Director and will be referred to local police authorities. The school has a drug and alcohol prevention program in place as required under Public Law 101-226.

The college has a Zero Tolerance Policy regarding possession and/or use of drugs or alcohol on college premises or at college-related events. In compliance with the Drug-Free Schools and Communities Act Amendment of 1989 (Public Law 101-226), students shall not engage in the unauthorized or unlawful manufacture, distribution, dispensation, possession, use/abuse of alcohol and/or illicit drugs on college property or as part of any college activity.

Any student who is convicted of the unlawful manufacture, distribution, dispensation, possession, use, or abuse of illicit drugs or alcohol is subject to criminal penalties under local, state, or federal law. The exact penalty assessed depends upon the nature and the severity of the individual offense.

Students who violate the Drug-Free Schools and Communities Act Amendments of 1989 (Public Law 101-226) are subject to dismissal and/or referral to authorities for prosecution, as appropriate.

Description of Drug or Alcohol Abuse Education Programs

Information regarding drug and alcohol abuse prevention programs is presented to students and staff annually. Students have access to community resource binders that are maintained in the Financial Aid/Compliance Office at each campus. For ABCOT, the binders show a link to the Community Connections website that provides a list of local agencies that offer professional assistance in the areas of drug and alcohol abuse prevention.

- Information regarding the agencies can be accessed from the Community Connections SJC home page at: https://communityconnectionssjc.org/category/

Because the access is web based, the students are assured that information is always current.

Disclosure to the Complainant

NACOB and ABCOT will, upon written request, disclose to the complainant of a crime of violence (as that term is defined in 18 U.S.C. § 16), the results of any disciplinary proceeding against a student who is a respondent of such crime of offense. If the complainant of such crime or offense is deceased because of such crime of offense, the next of kin of such complainant will be treated as the complainant.

Emergency Response and Evacuation Procedures

All Campuses – The college has established procedures to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on a campus. These procedures provide for rapid notice to local law enforcement and administration to evaluate and confirm an emergency or dangerous situation and if confirmed, for college administrators to determine the appropriate campus to be notified and the content of the notification.

The college will, without delay, and considering the safety of the community, determine the content of emergency/dangerous situation notifications and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a complainant or to contain, respond to, or otherwise mitigate the emergency.

Fire alarm systems are present and active in all campus facilities. In the event of an emergency and/or fire alarm, occupants must evacuate from the building. It is helpful to review and practice the building evacuation procedures prior to evacuation. As a general guideline, stop working as soon as it is safe to do so and gather personal belongings, such as glasses, keys and purse or handbag. Use the nearest door with an EXIT sign to leave the building. Proceed to your designated assembly area, report for a head count and stay in the area until you receive directions from emergency responders or authorized staff.

Following are titles of the persons responsible for carrying out the actions/procedures described in the above paragraphs: Directors, Associate Director, Managers, Admissions Representatives, Educators, and Administrative Staff.

The dissemination of emergency information to the community shall be coordinated by the Director and in cooperation with local law enforcement agencies.

The Director or Safety Coordinator is responsible for testing the emergency response and evacuation procedures on at least an annual (calendar year) basis and for documenting such testing. Documentation for each test shall include a description of the exercise, the date, the time, and whether the test was announced or unannounced. Such testing may include a review of procedures by the Director or Safety Coordinator, meetings with responsible persons to review and walk-through procedures, and tests of communication equipment.

NACOB (Modesto) Campus – 124 Floyd Ave Modesto, CA 95350 – This campus consists of a one-story building. If an emergency or dangerous situation is confirmed, the campus procedures provide for the Director, Safety Coordinator, Compliance Officer, or law enforcement officers to authorize a mass notice to the appropriate segment(s) of the campus. The designated assembly area is the back of the student parking lot closest to the rear apartment complex fence and farthest from the main campus building.

ABCOT (Tracy) Campus – 3000 W. Grantline Road Tracy, CA 95304 – This campus consists of a one-story building that is part of a shopping center. Procedures provide for the Associate Director or educators/staff on site to evaluate and confirm an emergency or dangerous situation and if confirmed, to verbally provide notice to the campus and a text message, local law enforcement, and senior administration. The designated assembly area is in the client parking lot closest to the Bank of America and farthest from the main campus building.

Missing Student Notification

NACOB or ABCOT does not have any on- or off-campus housing facilities

Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault & Stalking

NACOB and ABCOT prohibits the crimes of dating violence, domestic violence, sexual assault and stalking as those terms are defined for purposes of the Clery Act. New student orientation, new employee on-boarding programs, and regular staff meetings, as well as periodic presentations in theory classes, inform students and employees about the importance of maintaining awareness for prevention of dating violence, domestic violence, sexual assault and stalking. All supervisors and managers receive mandatory anti-harassment training within six (6) months of becoming a supervisor or manager, and every two (2) years thereafter, that includes information on the prevention and awareness of dating violence, domestic violence, sexual assault and stalking.

Bystander Intervention Techniques

Bystander intervention is when someone chooses to act when witnessing an uncomfortable situation. It encompasses safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking.

- Interrupt – Ask a question that's not related to what's going on. "Excuse me, where's the bathroom?"
- Distract – Draw attention to something else. "Hey, your car is getting towed!"
- Engage Peers – Involve a friend or someone else around you. "Let's do something."
- Alert Authorities – In some situations, authorities may be the best source for help (e.g., Police, campus administrator, party hosts, bar staff, and/or designated drivers)
- Safety First – Keep your safety and the safety of others in mind and let that determine how you respond. Bystander Intervention is included in the programs provided by NACOB and ABCOT.

Sex Offended Registration

In accordance with the "Campus Sex Crimes Prevention Act" of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act and the Family Education Rights and Privacy Act of 1974, this institution is required to issue a statement advising the campus community where law enforcement information provided by a State concerning sex offenders may be obtained. It also required sex offenders already required to register in a State to provide notice to each institution of higher education in that State at which the person employed, carries a vocation, or is a student.

Registered Sex Offender Database Websites:

State of California
California Registered Sex Offender Database
https://www.meganslaw.ca.gov/Disclaimer

Title IX

Nondiscrimination Policy & Notice of Nondiscrimination

North Adrian's College of Beauty and Adrians Beauty College of Tracy does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

Inquiries about Title IX may be referred to the Title IX Coordinator, the U.S. Department of Education's Office of Civil Rights, or both. NACOB and ABCOT's Title IX Coordinator is

Sherri Cytanovich – Title IX Coordinator
Office Location: 124 Floyd Ave Modesto, CA 95350
Phone: (209) 526-2040
E-Mail: TitleIXCoordinator@adrians.edu

NACOB and ABCOT's nondiscrimination policy and grievance procedures can be located at: https://www.adrians.edu/consumer-disclosures/

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to https://www.adrians.edu/consumer-disclosures/

Sex-Based Harassment Involving Student Complaints or Student Respondents

NACOB and ABCOT has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party.

Title IX Complaints

The following people have a right to make a complaint of sex-based harassment, requesting that NACOB or ABCOT investigate and make a determination about alleged sex-based harassment under Title IX:

- A "complainant", which include
- A student or employee of NACOB or ABCOT who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- A person other than a student or employee of NACOB or ABCOT who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in NACOB or ABCOT education program or activity; or
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- NACOB or ABCOT's Title IX Coordinator

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

NACOB and ABCOT may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Title IX Grievance Procedures

NACOB and ABCOT will treat complainants and responders equitably.

NACOB and ABCOT required that any Title IX Coordinator, investigator, decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. If there is no conflict of interest or bias, a decisionmaker may be the same person as the Title IX Coordinator or investigator.

NACOB and ABCOT presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

The time necessary to investigate will vary based on complexity but will generally be completed within 60-90 days of receipt of the complaint. NACOB and ABCOT have established the following timeframes for the major states of the grievance procedures.

Stage of Grievance Procedures	Timeframe
Report & Complaint is Made	1 week
Evaluation of complaint & Decision to Dismiss or Investigate	1-3 weeks
Meeting with Complainant & Supportive Measures	1 week
Respondent is Notified	1 week
Interviews & Evidence	2-4 weeks
Statements & Responses	2-4 weeks
Investigation Report	1 week
Determination	1 week
Appeal (if any)	2 weeks

NACOB and ABCOT has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice of any extension to the parties that includes the reason for the delay:

1. Identification of Need for Extension: The Title IX Coordinator identifies the need for an extension. This could be due to various factors such as the complexity of the case, availability of witnesses, or other unforeseen circumstances.
2. Documentation of Reasons: If there is good cause and after consulting with relevant parties and considering the impact on the involved individuals, the decision to grant an extension is made.
3. Preparation of Written Notice: A written notice is prepared, clearly outlining the extension granted and the reasons behind it. The notice includes the specific new timeframe, detailed reasons for the extension, and any impact this extension might have on the overall process.
4. Distribution of Notice: The written notice is distributed to all parties involved in the case. This includes the complainant, respondent, and any other relevant individuals. The notice is sent via official communication channels used by NACOB and ABCOT to ensure timely and secure delivery.

NABOC and ABCOT will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by NACOB or ABCOT to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless NACOB or ABCOT obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged conduct.

Written Notice of Allegation

Upon initiation of these Title IX grievance procedures, NACOB or ABCOT will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- NACOB and ABCOT's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, not is not required to be, an attorney;
- The parties are entitled to have an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence.
- NACOB and ABCOT prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, NABOC or ABCOT decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of an additional allegations to the parties.

Dismissal of a Complaint

NACOB or ABCOT may dismiss a complaint if:

- NACOB or ABCOT in unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in NACOB or ABCOT's educational program or activity and is not employed by the colleges.
- NACOB or ABCOT obtains the complainant's voluntary withdrawal in writing of any or all allegations, the Title IX Coordinator declines to initiate a complaint, and NACOB or ABCOT determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- NACOB or ABCOT determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, NACOB or ABCOT will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, NACOB or ABCOT will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then NACOB or ABCOT will notify the parties simultaneously in writing.

NACOB or ABCOT will notify the complainant that a dismissal may be appealed on the bases outlines in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then NACOB or ABCOT will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, NACOB or ABCOT will follow the procedures outlines in the Appeals section.

When a complaint is dismissed, NACOB or ABCOT will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue to recure within NACOB or ABCOT's education program or activity.

Investigation

NACOB or ABCOT will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on NACOB or ABCOT -not on the parties- to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

NACOB or ABCOT will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

NACOB or ABCOT will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- NACOB or ABCOT will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- NACOB or ABCOT may establish restrictions regarding the extend to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

NACOB or ABCOT will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

NACOB or ABCOT will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evident that are relevant and not otherwise impermissible.

NACOB or ABCOT will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is permissible regardless of relevance.

NACOB or ABCOT will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- NACOB or ABCOT will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence.
- NACOB or ABCOT will provide a reasonable opportunity to review and respond to the evidence or the investigative report and;
- NACOB or ABCOT will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Questioning the Parties and Witnesses

NACOB and ABCOT will provide a process that enables the decision makes to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility in both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

NACOB and ABCOT's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decisionmaker to ask such questions during individual meetings with a party of witness;
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below.

Determination Whether Sex Discrimination Occurred

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, NACOB or ABCOT will:

- Use the standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the qualify of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
    - A description of the alleged sex-based harassment;

  - Information about the policies and procedures that NACOB or ABCOT used to evaluate the allegations;
  - The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
  - When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions NACOB or ABCOT will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by NACOB or ABCOT to the complainant, and, to the extent appropriate, other students identified by NACOB or ABCOT to be experiencing the effects of the sex-based harassment; and
  - NACOB or ABCOT procedures and permissible bases for the complainant and respondent to appeal.
- NACOB or ABCOT will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:
  - Coordinate the provision and implementation of remedies to a complainant and other students NACOB or ABCOT identifies as having had equal access to NACOB or ABCOT's education program or activity limited or denied by sex discrimination;
  - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue to recur within NACOB or ABCOT's education program or activity.
- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that NACOB or ABCOT provides the parties with the written determination of the result of any appeal, or if no party appeals, the date on which an appeal would no longer be considered timely.

Appeals

NACOB and ABCOT will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If a party appeals a dismissal or determination whether sex-based harassment occurred, NACOB or ABCOT will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been training consistent with the Title IX regulations;
- Communicate to the parties in writing that NACOB or ABCOT will provide the parties a reasonable and equal opportunity to make a statement in support or, or challenging, the outcome; and
- Notify the parties in writing the results of the appeal and the rationale for the result.

Any additional procedures or bases for appeal NACOB or ABCOT offers will be equally available to all parties.

Supportive Measures

NACOB and ABCOT will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to NACOB and ABCOT's education program or activity or provide support during NACOB and ABCOT's Title IX grievance procedures or during the information resolution process. For complaints of sex-based harassment, these supportive measures may include:

- Restrictions on contact between complainant and/or respondent;
- Change in academic situations as appropriate with minimum burden on the complainant;
- Academic support; and/or
- Retake a program or withdraw without penalty

Disciplinary Sanctions and Remedies

Following a determination that sex-based harassment occurred, NACOB or ABCOT may impose disciplinary sanctions, which may include termination/expulsion from the program.

NACOB and ABCOT may also provide remedies, which may include the opportunity to change the campus location in which the student is enrolled, suspension, and a change in the class schedule in which the student is enrolled.

FEDERAL TITLE IX DEFINITIONS

Section 106.2 of the 2024 amendments includes a number of definitions. When those defined terms are used in this resource, they have the meaning set forth in § 106.2.

Complainant means:

1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.

Complaint means an oral or written request to the recipient that objectively can be understood as a quest for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Disciplinary sanctions means consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.

Party means a complainant or respondent.

Relevant means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid in a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies means measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.

Respondent means having a person who is alleged to have violated the recipient's prohibition on sex discrimination.

Retaliation means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX regulations.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity that is:

1. ***Quid pro quo harassment***. An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
2. ***Hostile environment harassment***. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:
    a. The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
    b. The type, frequency, and duration of the conduct;
    c. The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
    d. The location of the conduct and the context in which the conduct occurred; and
    e. Other sex-based harassment in the recipient's education program or activity; or
3. **Specific offenses:**
    a. ***Sexual assault*** meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
    b. ***Dating violence*** means violence committed by a person:
        i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
        ii. 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; and
            3. The frequency of interaction between the persons involved in the relationship;
    c. ***Domestic violence*** meaning felony or misdemeanor crimes committed by a person who:
        i. Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;
        ii. Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
        iii. Shares a child in common with the victim; or

iv. Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or

d. ***Stalking*** means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
   i. *Fear for the person's safety or the safety of others; or*
   ii. *Suffer substantial emotional distress.*

Supportive measures mean individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

1. Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or recipient's educational environment; or
2. Provide support during the recipient's grievance procedures or during an informal resolution process.

STATE DEFINITIONS

The following definitions reflect California state law and may be different from the federal definitions above. The federal definitions are used for purposes of reporting crime statistics as mandated by the Clery Act as amended by VAWA. It is important to be aware of state law definitions that govern criminal proceedings.

Dating Violence – Included within the definition of domestic violence as set forth in California Penal Code § 13700.

Domestic Violence – "Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabitating include, but are not limited to:

1. Sexual relations between the parties while sharing the same living quarters,
2. Sharing of income or expenses,
3. Joint use or ownership of property,
4. Whether the parties hold themselves out as spouses,
5. The continuity of the relationship, and
6. The length of the relationship.

"Abuse" means intentionally or recklessly causing or attempting to cause bodily injury or placing another person in reason apprehension or imminent serious bodily injury to himself or herself, or another.

Sexual Assault (Defined under the Clery Act to be an offense that meets the definition of rape, fondling, incest, or statutory rape):

Rape –

A. Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:
    a. Where the person is incapable, because of a mental disorder or developmental or physical disability, of giving legal consent, and this is known or reasonably should be known to the person committing the act. Notwithstanding the existence of a conservatorship pursuant to the provisions of the Lanterman-Petris-Short Act (Part 1(commencing with Section 5000) of Division 5 of the Welfare and Institutions Code), the prosecuting attorney shall prove, as an element of the time, that a mental disorder or developmental or physical disability rendered the complainant incapable of giving consent.
    b. Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.
    c. Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.
    d. Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of nature of the act" means incapable of resisting because the complainant meets any one of the following conditions:
        i. Was unconscious or asleep.
        ii. Was not aware, knowing, perceiving, or cognizant that the act occurred.
        iii. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
        iv. Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purposed with it served no professional purpose.
    e. Where a person submits under the belief that the person committing the act is someone known to the complainant other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.
    f. Where the act is accomplished against the complainant's will by threatening to retaliate in the perpetrator will execute the threat. As used in this paragraph, "threatening to retaliate" means a threat to kidnap or falsely imprison, or to inflict extreme pain, serious bodily injury, or death.
    g. Where the act is accomplished against the complainant's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the complainant or another, and the complainant has a reasonable belief that the perpetrator is a public official. As used in this paragraph, "public official" means a person employed by a governmental

agency who has the authority, as part of that position, to incarcerate, arrest, or deport another. The perpetrator does not actually have to be a public official.

B. As used in this section, "duress" means a direct or implied threat of force, violence, danger, or retribution sufficient to coerce a reasonable person of ordinary susceptibilities to perform an act which otherwise would not have been performed, or acquiesce in an act to which one otherwise would have not submitted. The total circumstances, including the age of the complainant, and his or her relationship to the defendant, are factors to consider in in appraising the existence of duress.
C. As used in this section, "menace" means any threat, declaration, or act which shows an intention to inflict an injury upon another.

Sexual Battery *(Fondling)* –

A. Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.
B. Any person who touches an intimate part of another person who is institutionalized for medical treatment and who is seriously disabled or medically incapacitated, if the touching is against the will of the person touched, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.
C. Any person who touches an intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the complainant is at the time unconscious of the nature of the act because the perpetrator fraudulently represented that the touching served a professional purpose, is guilty of sexual battery.
D. Any person who, for the purpose of sexual arousal, sexual gratification, or sexual abuse, causes another, against that person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either of those persons or a third person, is guilty of sexual battery.
E. Any person who touches an intimate part of another person, if the touching is against the will of the person touched, and is for the specific purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of misdemeanor sexual battery.
F. As used in this subdivision, "touches" means physical contact with another person, whether accomplished directly, though the clothing of the person committing the offense, or through the clothing of the complainant.
G. As used in subdivisions (A), (B), (C), and (D), "touches" means physical contact with the skin of another person whether accomplished directly or through the clothing of the person committing the offense.
H. As used in this section, the following terms have the following meanings:

a. "Intimate Part" means the sexual organ, anus, groin, or buttock of any person, and the breast of a female.
b. "Sexual Battery" does not include the crimes defined in Section 261 or 289.
c. "Seriously disabled" means a person with severe physical or sensory disabilities.
d. "Medically incapacitated" means a person who is incapacitated because of prescribed sedatives, anesthesia, or other medication.
e. "Institutionalized" means a person who is located voluntarily or involuntarily in a hospital, medical treatment facility, nursing home, acute care facility, or mental hospital.
f. "Minor" means a person under 18 years of age.

Incest – Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who being 14 years of age or older, commit fornication or adultery with each other, are punishable by imprisonment in the state prison.

Statutory Rape –

A. Unlawful sexual intercourse is an act of sexual intercourse accomplished with a person who is not the spouse of the perpetrator if the person is a minor. For the purposes of this section, a "minor" is a person under the age of 18 years old and an "adult" is a person who is at least 18 years of age.
B. Any person who engages in an act of unlawful sexual intercourse with a minor who is not more than three eyras older or three years younger than the perpetrator, is guilty of a misdemeanor.
C. Any person who engages in an act of unlawful sexual intercourse with a minor who is more than three years younger than the perpetrator is guilty of either a misdemeanor or a felony and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment pursuant to subdivision (h) of Section 1170.
D. Any person 21 years of age or older who engages in an act of unlawful sexual intercourse with a minor who is under 16 years of age is guilty of either a misdemeanor or a felony and shall be punished by imprisonment in a county jail not exceeding one year, or by imprisonment to subdivision (h) of Section 1170 for two, three, or four years.

Stalking –

A. Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking.
B. For the purposes of this section, "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

C. For the purposes of this section, “courses of conduct” means two or more acts occurring over a period, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of “course of conduct”.
D. For the purpose of this section, “credible threat” means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally protected activity is not included within the meaning of “creditable threat”.
E. For purposes of this section, the term “electronic communication device” includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. “Electronic Communication” has the same meaning as the term defined in Subsection 12 of Section 2310 of Title 18 of the United States Code.
F. This section shall not apply to conduct that occurs during labor picketing.
G. For the purposes of this section, “immediate family” means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or who, within the prior six months, regularly resided in the household.

Consent – In reference to sexual activity is defined under California Law as following:

A. Positive cooperation in act or attitude pursuant to an exercise of free will. The person must act freely and voluntarily and have knowledge of the nature of the act or transaction involved. A current or previous dating or marital relationship shall not be sufficient to constitute consent where consent is at issue in a prosecution; or
B. Evidence that the complainant suggested, requested, or otherwise communicated to the defendant that the defendant use a condom or other birth control device, without additional evidence of consent, is not sufficient to constitute consent.