

Sexual Assault, Discrimination, Harassment, & Misconduct Policies



CAPRI
Beauty College

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SEXUAL ASSAULT, DISCRIMINATION, HARASSMENT, MISCONDUCT

POLICIES Capri Beauty College is committed to providing a learning atmosphere that is free from intimidation or harassment; therefore, sex discrimination will not be tolerated. Capri Beauty College does not discriminate on the basis of sex in its educational programs and employment policies in conformance with Title IX of the Educational Amendments of 1972, Title VI of the Civil Rights Act of 1964, the Violence Against Women Reauthorization Act, and the Prevention of Sexual Violence in Higher Education Act. Upon receipt of a complaint, the college will take immediate action and appropriate steps to investigate what occurred, to take prompt and effective action to end the harassment, to remedy the effects, and to prevent the harassment from occurring again.

I. SCOPE: This policy applies to all students, faculty, staff, board members, administrators, directors, vendors, visitors and persons conducting business with Capri Beauty College (“Capri Beauty College Students”). This policy applies to all sexual misconduct and sexual violence that interferes with the educational or working environment of Capri Beauty College’s students, faculty, or staff, regardless of whether the conduct occurs on or off campus. Sexual violence and sexual misconduct of any kind are absolutely prohibited.

The college’s sexual discrimination, harassment and misconduct policy is not meant to inhibit or prohibit educational content or discussions inside or outside of the classroom that include controversial or sensitive subject matters protected by academic freedom. Academic freedom extends to topics that are pedagogically appropriate and germane to the subject matter of courses or that touch on academic exploration of matters of public concern

The college believes in zero tolerance for sexual discrimination. Zero tolerance means that when an allegation of misconduct is brought to an appropriate administrator’s attention, protective and other remedial measures will be used to reasonably ensure that such conduct ends, is not repeated, and the effects on the victim and community are remedied, including serious sanctions when a responding party is found to have violated this policy. This policy has been developed to reaffirm these principles and to provide recourse for those individuals whose rights have been violated. This policy is intended to define community expectations and to establish a mechanism for determining when those expectations have been violated.

Capri does not tolerate interpersonal violence, which includes sexual assault, prohibited sexual contact, stalking, dating and domestic violence in any form.

II. Title IX Coordinator.

Tricia Seil
Vice President / Title IX Coordinator
Phone: (708) 687-3020 Office Location: 15815 Rob Roy Drive
Oak Forest, IL 60452 Email: tricia@capri.edu

Responsibilities of the Title IX Coordinator include:

- Promoting an institutional environment that is free of gender bias and sexual harassment;
- Participating in the development, implementation and evaluation of the college’s Title IX policies and procedures;
- Monitoring and evaluating the Capri Beauty College’s Title IX compliance efforts;
- Providing in-service training to college community on Title IX policies and procedures;
- Reviewing all Title IX complaints;
- Meeting with Capri students and employees as needed; and
- Designating other officials to conduct investigations or to meet with students and employees as needed.

III. WHAT TO DO IF YOU ARE SEXUALLY ASSAULTED Seek medical attention immediately. It is important to preserve evidence, so don't shower, change clothes or disturb the scene of the attack. Go to the emergency room of a hospital and ask a friend to go with you if possible. Hospital personnel will treat the physical consequences of assault, such as injury, infection, disease and pregnancy. They can collect evidence that will be needed if the crime is reported. They are required to contact local law enforcement agencies. However, one may choose whether to speak with police about the assault.

- Get to a safe place as soon as you can.
- If considering reporting the incident to the police, try to preserve all physical evidence. Do not wash, use the toilet, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag.
- Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may later wish to take legal action.
- Keep emails & text messages between assailants. Contact the local authorities immediately.
- Talk with a counselor from the rape crisis hotline in the south suburbs who will maintain confidentiality, help explain your options, give you information, and provide emotional support. (708) 748-5672



If your friend was raped or sexually assaulted*

- Listen to what the person is saying. Believe them when they say that they have experienced something awful.
- Express sincere empathy. Expressing empathy can be a powerful validation of a survivor's experience.
- Provide referrals to on and off campus resources (see above)
- Validate feelings. It's not uncommon for people to feel angry when something like this happens.
- Don't make assumptions about the gender of the people involved. Sexual assault occurs among all genders and sexual orientations.
- Don't tell the person what to do. It's important to empower survivors to make decisions for themselves and to have those decisions respected.
- Don't tell the person how to feel. Survivors may feel numb or experience shame, anger, depression, and/or many other feelings.
- Remember, everyone reacts differently to trauma.
- Educate yourself about the myths of rape. Remember-rape is never the fault of the survivor, but the fault of the rapist. While this may seem simple and obvious, much of the misinformation that exists points to the victim as being responsible for the rape. To truly be supportive, one must believe the survivor while disbelieving and challenging the myths that surround rape.
- Relax. Try not to worry much about "saying the right thing." Being available to listen is far more important. Let the survivor know that you care.

**From The University of Chicago – Office of Campus and Student Life*

IV. PROCEDURES VICTIMS SHOULD FOLLOW IF A CRIME OF SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE, OR STALKING HAS OCCURRED

Any student or employee who believes s/he or another has been subjected to harassment is encouraged to **File a Complaint** or Report identifying the accused individual and describing the conduct, incident(s) or occurrence(s) that form the basis for the harassment claim. These grievance procedures apply to sex discrimination complaints filed by students against school employees, other students and third parties.

A. How to File a Complaint

It is preferred that the complaint be in writing, signed by the student alleging the harassment (“the complainant”) and include the contact information for the complainant. Forms are available from the Campus Director. Reports may be made by telephone, fax, mail, electronically or in person.

The complainant is encouraged to file the complaint as soon as possible after the incident to ensure a prompt and effective remedy regardless if the complainant does not want to move forward with legal recourse.

- Tricia Seil – Campus Director & Vice President (Title IX Coordinator).

15815 Rob Roy Dr Oak Forest, IL 60452

email: tricia@capri.edu

Confidential Reporting Authorized: No

Allison Vandermolen allison@capri.edu

Oak Forest Campus Security Authority

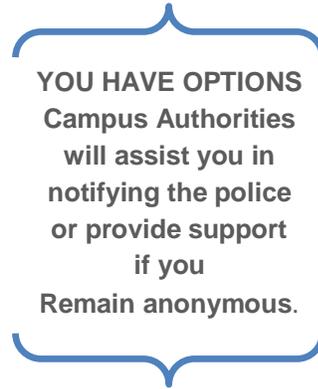
Confidential Reporting Authorized: No

Tracy White tracy@capri.edu

New Lenox Campus Security Authority

Confidential Reporting Authorized: No

- Oak Forest Police Department (708) 687-1376
- New Lenox Police Department (815) 485-2500



YOU HAVE OPTIONS
Campus Authorities
will assist you in
notifying the police
or provide support
if you
Remain anonymous.

After you report a sexual assault Capri provides support. If the victim is a student, the College will change a victim’s academic schedule and on campus location, assist with restraining order, and or provide priority parking if requested. Whether or not legal charges are filed, students accused of sexual abuse or assaults are subject to disciplinary actions from the College.

Prior to initiating an investigation, the Title IX Coordinator will encourage the complainant to participate fully in the investigation and hearing processes.

B. Student Requesting Confidentiality from the College

In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected sexual discrimination, harassment or misconduct to appropriate college officials – thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for a victim to report crimes and policy violations and these resources are required to take action when an incident is reported to them.

Regardless of to whom a report is made, the college is obligated to provide the student victim with concise information, written in plain language, concerning the student victim’s rights and options pursuant to this procedure.

The following describes the reporting options at the college:

1. Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- **Confidential Advisors:**
Crisis Center of South Suburbia: 708-429-7233 (24 Hours)
Capri has a working relationship with the Crisis Center. The staff is comprised of Masters Level Therapists who are licensed in the State of Illinois with over 40 hours of training. All services provided are CONFIDENTIAL.

A student victim who speaks to an on-campus advisor must understand that, if the student victim wants to maintain confidentiality, the college's ability to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator(s) may be diminished. Even so, these counselors will still assist the student victim in receiving other necessary protection and support, such as student victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules.

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

Note: While these counselors may maintain a student victim's confidentiality vis-à-vis the college, they may have reporting or other obligations under state law. Any college employee who suspects or receives knowledge that a minor student may be an abused or neglected child or, for a student aged 18 through 21, an abused or neglected individual with a disability, is required to: 1) immediately report or cause a report to be made to the Illinois Department of Children and Family Services (DCFS) on its Child Abuse Hotline; and 2) follow directions given by DCFS concerning filing a written report within 48 hours with the nearest DCFS field office.

Also Note: If the college determines that the alleged perpetrator(s) pose a serious and immediate threat to the college community, Campus Police may be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the victim.

C. Formal Reporting Options of "Responsible Employees"

A College employee who has the authority to redress sexual discrimination, harassment or misconduct, who has the duty to report incidents of such or other student misconduct, or who a student could reasonably believe has this authority or duty is a responsible employee. When a student victim tells a responsible employee about an incident of sexual discrimination, harassment or misconduct, the student victim has the right to expect the college to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

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

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the college's response to the report.

The following categories of employees are the college's responsible employees:

- College administrators (vice presidents, and directors)
- Title IX coordinator
- Local Police
- All faculty members

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

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

Formal reporting still affords privacy to the reporter, and only a small group of officials who need to know will be told. Information will be shared as necessary with investigators, witnesses and the responding party. The circle of people with this knowledge will be kept as tight as possible to preserve a reporting party's rights and privacy.

Failure of a non confidential employee, as described in this section, to report an incident or incidents of sex or gender harassment or discrimination of which they become aware, is a violation of college policy and can be subject to disciplinary action for failure to comply with college policies.

Individuals disclosing an incident will be provided a written copy of this policy and will be informed about campus and community resources, including counseling and other health services. Individuals will also be informed of their right to file (or not to file) separate complaints with campus Police or local law enforcement and will be offered assistance with filing such complaints. *Note: Incidents that occur at the college or college-sponsored events should be reported to local Police. Incidents that take place off-campus should be reported to the local law enforcement agency in addition to a college official.

D. Student Requesting Confidentiality from the College: How the College Will Weigh the Request and Respond

If a student victim does not wish for their name to be shared, does not wish for an investigation to take place, or does not want a formal resolution to be pursued, the student victim may make such a request to the responsible employee to whom he/she initially discloses the incident. The college must weigh such a request against its obligation to provide a safe, nondiscriminatory environment for all students and employees, including the student victim.

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

Although rare, there are times when the college may not be able to honor a student victim's request in order to provide a safe, non-discriminatory environment for all students and employees. The college has designated the following individual(s) to evaluate requests for confidentiality: Title IX coordinator & Local Police.

When weighing a student victim's request for confidentiality or that no investigation or discipline be pursued, a range of factors will be considered, including the following:

- The increased risk that the alleged perpetrator(s) will commit additional acts of sexual discrimination, harassment or misconduct, such as:

- Whether there have been other sexual discrimination complaints about the same alleged perpetrator;
- Whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of misconduct or violence;
- Whether the alleged perpetrator threatened further sexual discrimination or violence against the student victim or others;
- Whether the sexual discrimination was committed by multiple perpetrators;
- Whether the sexual discrimination, harassment or misconduct was perpetrated with a weapon;
- Whether the student victim is a minor;
- Whether the college possesses other means to obtain relevant evidence of the sexual discrimination, harassment or misconduct (e.g., security cameras or physical evidence); and
- Whether the student victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

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

If the college determines that it cannot maintain a student victim's confidentiality, the college will inform the student victim at the earliest point possible and will, to the extent possible, only share information with people responsible for handling the college's response.

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

If a victim's request for confidentiality limits the college's ability to formally investigate a particular allegation, the college may take steps to limit the effects of the alleged sexual discrimination, harassment and/or misconduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the student complainant. Such action may include, but is not limited to:

- Providing increased monitoring, supervision, or security at locations or activities where the alleged misconduct occurred;
- Providing training and education materials for students and employees;
- Revising and publicizing the college's policies regarding sexual discrimination, harassment and misconduct; and
- Conducting climate surveys regarding sexual misconduct.

E. Employee Reporting and Disclosing Sexual Discrimination, Harassment and/or Misconduct of a Student

In addition to the reporting requirements for responsible employees, all college employees who have information regarding sexual discrimination, harassment and/or misconduct of a student are encouraged to report it to the Title IX coordinator or any responsible employee.

F. Clery Act Reporting Obligations

Pursuant to the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act* ("Clery Act," 20 U.S.C. 1092(f)), the college maintains a public crime log and publishes an Annual Security Report ("ASR") available to all current students and employees. The ASR documents three calendar years of select campus crime statistics (including statistics regarding incidents of dating violence, domestic violence, and stalking), security policies and procedures, and information on the basic rights guaranteed to victims of sexual assault. The *Clery Act* also requires the college to issue timely warnings to the campus community about crimes that have already occurred but may continue to pose a serious or ongoing threat to students and employees.

G. Interim Measures

The college will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan.

Retaliation against the victim, whether by students or college employees, will not be tolerated. The college will also:

- Assist the victim in accessing other available victim advocacy, academic support, counseling disability, health or mental health services, and legal assistance both on and off campus;
- Provide other security and support, which could include the college obtaining a no-contact order, helping to change working arrangements or course schedules (including for the alleged perpetrator(s) pending the outcome of an investigation) or adjustments for assignments or tests; and
- Inform the victim of the right to report a crime to campus or law enforcement – and provide the victim with assistance if the victim wishes to do so.

The college may not require a victim to participate in any Title IX investigation or in a disciplinary proceeding against a student.

H. Reporting Considerations

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

1. Attempted Violations

In most circumstances, the college will treat attempts to commit any of the violations listed in this policy as if those attempts had been completed.

2. False Reports

The college will not tolerate intentional false reporting of incidents. It is a violation of the Code of Student Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.

3. Amnesty for Victims and Witnesses

The college community encourages the reporting of misconduct and crimes by victims and witnesses. Sometimes, victims or witnesses are hesitant to report to college officials or participate in resolution processes because they fear that they themselves may be accused of policy violations, such as underage drinking at the time of the incident. It is in the best interests of this community that as many victims as possible choose to report to college officials, and that witnesses come forward to share what they know. To encourage reporting, the college pursues a policy of offering victims of misconduct and witnesses amnesty from minor policy violations related to the incident.

Sometimes, students are hesitant to offer assistance to others for fear that they may get themselves in trouble (for example, a student who has been drinking underage might hesitate to help take a sexual misconduct victim to the campus Police). Students who in good faith report an alleged violation of the college's prohibition of sexual discrimination, harassment and misconduct will be granted immunity and will not receive a disciplinary sanction for a student conduct violation (for example, underage drinking) revealed in the course of reporting. Immunity will not be provided for student conduct violations which the college determines are egregious, including without limitation misconduct which places the health or safety of another person at risk.

4. Parental Notification

Whether you are the complainant or the respondent, the college's primary relationship is to the student and not to the parent. In the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. However, college officials will directly inform parents under one or all of the following circumstances: when requested to do so by a student, if a life-threatening situation exists, if the complainant is under the age of consent, or if the respondent has signed a release which allows such

communication.

5. Public Awareness Events

Public awareness events such as Take Back the Night, candlelight vigils, protests, survivor speak outs, or other forums in which students disclose incidents are not considered notice to the college of sexual discrimination, harassment or misconduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus wide education and prevention efforts, and the college will provide information about students’ Title IX rights at these events.

V. DISCIPLINARY PROCEEDINGS

By Definition: Proceedings refer to all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

The Title IX Coordinator at Capri Beauty College will coordinate a prompt, fair, and impartial process from the initial investigation to the final result. It will conducted by officials who, at the minimum, receive annual training on: the issues related to dating violence, domestic violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

A. Standard of Evidence

To the extent practicable, the Title IX Coordinator shall interview all individuals who witnessed or may have witnessed the incident or who may have knowledge of the incident. The Title IX Coordinator shall interview the person alleged to have engaged in sexual harassment and inform the individual that a complaint has been made against him or her, and allow the person to respond to the complaint. If, based on the preponderance of the evidence the Title IX Coordinator deems appropriate, further steps will be taken to confirm or deny alleged harassment. The person alleged to have engaged in sexual harassment shall be informed that the incident is not to be discussed with coworkers and that retaliatory action against the complainant will not be tolerated.

B. Specific Steps

The Title IX Coordinator will conduct a fact-finding investigation, which will include, at a minimum, a review of the complaint and interviews with the complainant, respondent, and other appropriate individuals. The accuser and accused will be given timely notice of meetings at which on or the other or both may be present; and the accuser, the accused, and appropriate officials will be given timely and equal access to information that will be used during informal and formal disciplinary meetings and hearings. A written record of the investigation shall be made, inclusive of all notes made of interviews, conversations or verbal responses to questions posed by Title IX Coordinator to the complainant, witnesses or respondent, and any other aspects of the investigation. The entire written record and report, including a written summary of the findings of the investigation, shall be provided to the president within twenty (20) working days from the date the allegations were first reported. Upon completion of the investigation, the Title IX Coordinator will submit its findings and recommendations based on a standard of proof to the president, if appropriate. The president will accept, reject, or modify the recommendations and notify the Title IX Coordinator as such and will then provide a written response to the complainant. The following information should be sought during the interview process:

- The severity of the conduct; the number and frequency of acts of alleged harassment;
- The apparent intent of the person alleged to have engaged in sexual harassment;
- The relationship of the parties; the response of the complainant at the time of the incident(s); and
- The relevant work environment.

A Prompt, Fair
and Impartial
Process
Will be conducted

If the investigation confirms the allegation, appropriate corrective action will be taken. Evidence that is collateral to the allegations of sexual harassment and that is obtained during an investigation may be used in subsequent grievance or disciplinary procedures. If no preponderance of evidence for the complaint is found, the Title IX Coordinator will dismiss the case. The complainant will be informed why the act does not constitute violation.

C. Special Rights of Students in Cases of Sexual Harassment, Misconduct and Discrimination: In cases of student-on-student harassment, both the student complainant and the accused student have the following rights, and in cases of employee-on-student harassment, the student complainant has the following rights:

- To receive relevant investigation materials and/or to be present during the entire hearing (except during deliberations of a board, if applicable);
- To not have irrelevant sexual history discussed during the hearing;
- To submit an impact statement or character reference letters for review at the discretion of the student conduct body after the determination of responsibility but before sanctioning;
- To be informed concurrently of the outcome of the hearing upon its conclusion by the hearing body; and
- To appeal any decision reached or sanction imposed within 5 college days of receipt of the decision.

D. Concurrent Criminal Investigation: The existence of a concurrent criminal investigation by law enforcement agencies will not necessarily delay or interrupt the investigation procedures outlined herein. However, the law enforcement agency may request that the college investigation be temporarily suspended. In such cases, the college will evaluate the law enforcement agency's request to determine whether and for how long to suspend its investigation. It is understood that during an ongoing criminal investigation, information relevant to the pending case or prosecution may not be permitted to be shared with the college until the criminal investigation is closed.

E. Results: The president shall, base upon the investigative report, evidence and all known circumstances, make a determination as to whether the individual(s) charged committed sexual harassment. If the determination is that sexual harassment has occurred, the president shall take immediate and appropriate disciplinary actions consistent with the nature and severity of the offense and notify both accuser and accused simultaneously, in writing of the results of the proceeding and appeal procedures.

F. Possible Sanctions: Not all forms of sex-based misconduct will be deemed to be equally serious offenses, and the College reserves the right to impose different sanctions depending on the severity of the offense and/or offender history. Sanctions the College may impose on students/employees following a final determination of a disciplinary proceeding regarding sexual assault, acquaintance rape or other forcible or non-forcible sex offense include:

- No contact (direct or indirect) with the victim
- Formal written warning
- Probation / Expulsion / Employment Termination
- Revocation of admission / Transfer, reassignment of duties, demotion
- Banishment from all Capri property, functions, etc.
- Training on sex-based misconduct.

G. Investigative Procedure and Timeline: The Title IX Complaint or report of sex-based misconduct will be investigated by the Title IX Investigator(s) and generally, the investigation will follow the following timeline:

Day 1: Title IX Complaint or report of sex-based misconduct is received by the Title IX Coordinator or designee;

Day 2-5: Title IX Coordinator or designee determines extent of Title IX investigation (may be with assistance of the Title IX Committee). A preliminary investigation may be necessary and interim measures may be implemented;

Day 6-15: The Title IX Investigator(s) will (1) provide notice to Respondent of the Complaint/Report; (2) meet with the Claimant (if participating), the Respondent, and any identified witnesses. This Policy and the Procedure will be explained to Claimant and Respondent and each will have the opportunity to share their version of events and suggest other witnesses during the meeting with the Title IX Investigator;

Day 16-20: The Title IX Investigator(s) will write a preliminary report containing a summary of the information obtained to date and will deliver this report to the Claimant and Respondent;

Day 21-26: Claimant and Respondent may provide a rebuttal to information in the preliminary report or suggest additional witnesses;

Day 27-32: The Title IX Investigator(s) will consider additional information provided by Claimant and Respondent, conduct any necessary additional interviews or investigation, and write a final report which contains: (1) conclusions of fact and (2) a finding or findings;

Day 33-38: The Title IX Coordinator or designee reviews and approves the final report; sends notice of the finding(s) to Claimant and Respondent. Email is deemed an acceptable form of delivery. Title IX will impose a sanction by decision on an employee. For students, a hearing shall occur and a hearing officer will impose a sanction by hearing. Notice will be sent to Claimant and Respondent as provided herein.

Day 39-43: Five (5) day period to Appeal the finding(s) and/or any sanction imposed by decision/hearing;

Day 43-63: Appeal, if any, is processed.

H. Advisor of Choice

The accuser and the accused are entitled to the opportunity to be accompanied to any related disciplinary proceeding by an advisor of their choice. However, the College may restrict an advisor's role, such as prohibiting the advisor from speaking during the proceeding, addressing the disciplinary tribunal, or questioning witnesses. Capri Beauty College may remove or dismiss advisors who become disruptive or who do not abide by the restrictions on their participation.

I. Accommodations and Protective Measures: The College reserves the right to take whatever interim measures it deems necessary to protect the rights and personal safety of its community members. Such measures include, but are not limited to, providing an escort between classes, no-contact orders, modification of class, and interim suspension from campus pending an investigation regardless of whether the victim chooses to report the crime to local police.

J. Written Notification In all circumstances, whether a violation of this policy is determined to have occurred or not to have occurred, both the complainant and the alleged perpetrator shall be notified of the results of the investigation and the discipline imposed, if any. A person alleged to have engaged in sexual harassment shall not retaliate in any way against the complainant, witnesses or any other person involved in the investigation. In addition, Capri Beauty College will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.

Finally, the College will provide written notification to victims about options for, available assistance in, and how to request changes to: Academic situations; Living situation; transportation; working situation; and protective measures.

K. Appeals

If either party (complainant or the person alleged to have engaged in sexual harassment) is dissatisfied with the outcome of the investigation and/or the discipline imposed, that party may notify Title IX Coordinator within 10 business days. Appeals may be made only on the following grounds • A material deviation from these procedures affected the outcome of the case; • New and relevant information is available that was not available, with reasonable diligence and effort, at the time of the investigation that could reasonably affect the investigation finding(s); •The sanction(s) is/are inappropriate or disproportionate to the determined finding(s); or • A review of all available and relevant information indicates that the evidence does not clearly support the finding(s) and provides clear and definite support for modifying the original finding(s).

After receipt of the appeal request, the president will decide whether to grant the appeal based on whether the appeal meets one of the above enumerated grounds for appeal and shall inform the appellant by certified mail, return receipt requested.

If the appeal is granted, the president will hold a resolution of the appeal and shall be based upon the written findings and decision from the Title IX coordinator, any written documentation submitted by either party to the Title IX coordinator, all evidence considered by the Title IX coordinator, and, if applicable, new evidence offered for consideration. The Title IX coordinator or his/her designee will provide all relevant documentation to the president. The president shall render a decision within seven (7) days after receipt of the appeal and shall inform

the appellant by certified mail. The decision of the president shall be final.

In the event a victim and/or complainant or a student respondent does not appeal within the required 5 business day period, the decision of the Title IX coordinator will be final.

VI. PROGRAMS TO PREVENT DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT & STALKING

Capri Beauty College prohibits the crimes of dating violence, domestic violence, sexual assault and stalking. The College is dedicated to providing ongoing prevention and awareness campaigns necessary to keep students safe.

- Title IX Coordinator will receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking and how to conduct investigations.
- Training for faculty and staff on Title IX policies and reporting procedures will be offered through Online Clery Act Training
- The College will work with local organizations such as Women's Shelters and Local Police for on campus training.
- All students who attend the mandatory orientation will receive information about sexual harassment and assault.
- All students will have the opportunity to watch and discuss *Speak Up and Stand Out* educational video provided by Clery Center during the Basic Program.

Bystander intervention You can help by recognizing situations of potential harm by taking actions to intervene. Consider safe and positive options that may be carried out to prevent situations when there is a risk of dating violence, domestic violence, sexual assault, or stalking.

Tips for preventing sexual assault as a bystander:

- Talk to your friends honestly and openly about sexual assault.
- Don't just be a bystander—if you see something, intervene in any way you can.
- Trust your gut. If something looks like it might be a bad situation, it probably is.
- Be direct. Ask someone who looks like they may need help if they're okay.
- Get someone to help you if you see something—enlist a friend, teacher, or parent to help step in.
- If you see someone who is too intoxicated to consent, enlist their friends to help them leave safely.
- Recognize the potential danger of someone who talks about planning to target another person at a party.
- Be aware if someone is deliberately trying to intoxicate, isolate, or corner someone else.
- Create a distraction, draw attention to the situation, or separate the people you are concerned about.
- Understand that if someone does not or cannot consent to sex, it is rape.
- Never blame the victim.



Student Notification of Survivor's Rights and Options

Student notification of rights and options

A. On or before August 1, 2016, upon being notified of an alleged violation of the comprehensive policy by or on behalf of a student Capri Beauty College shall, at a minimum, provide the survivor, when identified, with a concise notification, written in plain language, of the survivor's rights and options, including without limitation:

- (1) the survivor's right to report or not report the alleged incident to Capri, law enforcement, or both, including information about the survivor's right to privacy and which reporting methods are confidential;
- (2) the contact information for Capri's title IX coordinator, confidential advisors, a community based sexual assault crisis center, and local law enforcement;
- (3) the survivor's right to request and receive assistance from campus authorities in notifying law enforcement;
- (4) The survivor's ability to request interim protective measures and accommodations for survivors, including without limitation changes to academic, living, dining, working, and transportation situations, obtaining and enforcing a campus-issued order of protection or no contact order, if such protective measures and accommodations are reasonably available, and an order of protection or no contact order in State court;
- (5) Capri's ability to provide assistance, upon the survivor's request, in accessing and navigating local health and mental health services, counseling, and advocacy services; and
- (6) a summary of Capri's complaint resolution procedures, if the survivor reports a violation of the comprehensive policy.

B. Within 12 hours after receiving an electronic report, Capri shall respond to the electronic reporter and, at a minimum, provide the information described in subdivisions (1) through (6) of subsection (a) of this Section and a list of available resources. Capri may choose the manner in which it responds including, but not limited to, through verbal or electronic communication.

Resources

On Campus

Oak Forest Campus Director
708-687-3020 x 219

New Lenox Campus Director
(81) 485-3020 x 218

Off Campus

Crisis Center for South Suburbia
Crisis Center 24 Hour Hotline 708-429-SAFE (7233)
Mailing address: PO Box 39, Tinley Park, IL 60477

Chicago Rape Crisis Hotline – Rape Victim
Advocates
(888) 293-2080

Domestic Violence Legal Clinic
formerly known as Pro Bono Advocates (312) 325-
9155 Languages: English, Spanish

Illinois Coalition against Sexual Assault
(217) 753-4117

Illinois Department of Human Rights
(312) 814-6200

Oak Forest Police Department
(708) 687-1376

New Lenox Police Department
(815) 485-2500

Office of the Illinois Attorney General Crime
Victim Services
Division 100 W. Randolph Street, 13th Floor
Chicago, IL 60601 1-800-228-3368
(Voice/TTY) 312-814-7105 (Fax)
www.illinoisattorneygeneral.gov/victims

On-line:

Crime Victim Rights in Illinois - Brochure
[http://capri.edu/wp-content/uploads/crime-victim-
rights.pdf](http://capri.edu/wp-content/uploads/crime-victim-rights.pdf)

Not Alone

TOGETHER AGAINST SEXUAL ASSAULT

Information for students, schools, and anyone interested in finding resources on how to respond to and prevent sexual assault on college and university campuses and in our schools. Find a crisis service; learn more about your rights and how to file a complaint: <http://capri.edu/students-right-to-know/>

SAFETY TIPS

- Avoid placing yourself in environments where it's easier for criminals to commit a personal crime.
- Always keep your doors and windows locked. Never leave personal property unattended.
- If possible, let a friend or roommate know where and with whom you'll be and when you'll return.
- Trust your instincts! If you feel uncomfortable about someone near you on the street, in an elevator or getting off a bus, head for a populated place or yell for help.
- Use well-lit and busy sidewalks. • Avoid walking alone or walking near vacant lots, alleys, construction sites and wooded areas.
- Carry a cell phone, whistle or a personal alarm to alert people that you need help.
- Attend an educational course and learn what can be done to avoid vulnerability to crimes like sexual assault, relationship violence and stalking.
- Try to park in an area that will be well-lit and heavily traveled when you return.
- Lock your car doors and roll up the windows completely, even if you're only running a quick errand. Do not leave valuables in plain view.
- If you choose to drink, drink legally and responsibly. Remember that your ability to respond is diminished by over-consumption of alcohol. • Stay alert at all times and call the police immediately to report suspicious activity.

- Follow all rules of the road when driving a car, riding a bike or using other forms of personal transportation such as rollerblades, skateboards or scooters.

- Put ICE (In Case of Emergency) in your cell phone, along with a name and telephone number of a loved one, to enable emergency services personnel to contact your family in the event of an emergency.



- Listening to loud music, wearing headphones or using your cell phone distracts you from being alert to potential safety issues. Unplug yourself and tune in to your immediate environment.
- Utilize crosswalks at all times and obey the signals at intersections when walking. Under Illinois law, as a pedestrian, you DO NOT have the right of way until you establish yourself in the crosswalk. If you are crossing at any location other than a crosswalk, you MUST yield to vehicular traffic.
- When driving, be aware of pedestrians and bicyclists and yield to them when required by law.

Definitions, Terms & Compliance

Awareness Programs: Community-wide or audience specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety and reduce perpetration.

Bystander intervention: Safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene where there is a risk of dating violence, domestic violence, sexual assault, or stalking.

Bystander intervention includes:

- Recognizing situations of potential harm
- Understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking actions to intervene.

Complainant means a Capri Beauty College Student who files a complaint alleging violation of this Sex Discrimination and Sexual Harassment Policy.

Confidential advisor means a person who is employed or contracted by Capri Beauty College to provide emergency and ongoing support to student survivors of sexual violence with the training, duties, and responsibilities described in Section 20 of the Prevention of Sexual Violence in Higher Education Act. [110 ILCS 155/5] Confidential advisors receive 40 hours of training on sexual violence before being designated as confidential advisors, and thereafter receive a minimum of six hours of annual training on issues related to sexual violence

Confidential reporting means the information provided by a survivor will not be shared without the express written consent, except in aggregate, non-identifiable, unless otherwise required by law, such as information pertaining to child abuse.

Consent means “a freely given agreement to sexual activity,” and does not include the following:

1. a person's lack of verbal or physical resistance or submission resulting from the use or threat of force does not constitute consent;
2. a person's manner of dress does not constitute consent;
3. a person's consent to past sexual activity does not constitute consent to future sexual activity;
4. a person's consent to engage in sexual activity with one person does not constitute consent to engage in sexual activity with another;
5. a person can withdraw consent at any time; and
6. a person cannot consent to sexual activity if that person is unable to understand the nature of the activity or give knowing consent due to circumstances, including without limitation the following:
 - A. the person is incapacitated due to the use or influence of alcohol or drugs;
 - B. the person is asleep or unconscious;
 - C. the person is under age; or
 - D. the person is incapacitated due to a mental disability.

Dating Violence Dating abuse or dating violence is defined as the perpetration or threat of an act of violence by at least one member of an unmarried couple on the other member within the context of dating or courtship. It is also when one partner tries to maintain power and control over the other through abuse/violence. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic Violence: A felony or misdemeanor crime of violence committed

1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common
3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
5. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Follow-up healthcare means “healthcare services related to a sexual assault, including laboratory services and pharmacy services, rendered within 90 days of the initial visit for hospital emergency services.” [410 ILCS 70/1a]

Forensic services, means “the collection of evidence pursuant to a statewide sexual assault evidence collection program administered by the Department of State Police, using the Illinois State Police Sexual Assault Evidence Collection Kit.” [410 ILCS 70/1a]

Hospital emergency services, defined as “healthcare delivered to outpatients within or under the care and supervision of personnel working in a designated emergency department of a hospital, including, but not limited to, care ordered by such personnel for a sexual assault survivor in the emergency department.” [410 ILCS 70/1a]

Gender-based Harassment or Discrimination: acts of a verbal or nonverbal nature or physical aggression, intimidation, or hostility based upon sex/gender, gender identity or sex/gender-stereotyping (even if those acts do not involve conduct of a sexual nature) that is sufficiently serious to limit or deny the ability to participate in or benefit from the College's programs and activities or the terms and conditions of employment.

Harassment Verbal abuse constitutes harassment when it:

1. is intended to insult or stigmatize an individual;
2. is addressed directly to the individual(s) whom it insults or stigmatizes;
3. makes use of “fighting” words (“fighting” words are those commonly understood to convey direct and visceral hatred or contempt for human beings); or
4. Conveys a threat of violence or is likely to provoke immediate physical retaliation.

Ongoing prevention and awareness campaigns: Programming, initiatives, and strategies that were sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution.

Primary prevention programs: Programming, initiatives, and strategies informed by research or assessed for value, effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe direction.

Proceeding: All activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact finding investigations, formal or informal meetings, and hearings.

Proceeding does not include communication and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

Risk reduction: Options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

Respondent: means a Capri Beauty College Student who has been accused by a complainant of violating this Sex Discrimination and Sexual Harrassment Policy.

Result: Any initial, interim and final decision by an official or entity authorized to resolve disciplinary matters within the institution.

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program:

"Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim".

Sex discrimination includes any behavior or communication that improperly singles out, stigmatizes, victimizes, or otherwise subjects an individual to unequal treatment to his or her detriment on the basis of his/her sex. Sex discrimination includes, but is not limited to, verbal abuse, sexual harassment, sexual violence and other acts of sexual misconduct. Sexual harassment of students, including sexual violence, interferes with a student's right to receive an education free from discrimination and, in the case of sexual violence, is a crime.

Sexual harassment Unwelcome sexual advances, requests for sexual favors, other verbal or physical conduct of a sexual nature, or acts that an individual did not request or invite and that are regarded as undesirable or offensive when:

1. submission to such conduct is deemed to be either explicitly or implicitly a term of condition of a student's education or employment;
2. submission to or rejection of such conduct is deemed to be used as the basis for an educational or personnel decision affecting the student;
3. such conduct has the purpose or effect of substantially interfering with a student's educational or work performance, or creating an intimidating, hostile or offensive educational or working environment; or
4. such conduct denies or limits a student's ability to participate in or receive the benefits, services or opportunities of the school's programs or activities.

The harassing conduct creates a hostile environment if the conduct is sufficiently serious enough that it interferes with or limits a student's ability to participate in or benefit from the school's program. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. A single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. For example, a single instance of rape is sufficiently severe to create a hostile environment.

Sexual misconduct includes but is not limited to:

1. sexual intercourse (oral, anal, or vaginal penetration) or penetration by a foreign object, including a finger, by force and/or without consent; or
2. the touching of a non-consenting person's intimate parts, such as genitalia, groin, breast or buttocks or the clothing covering these parts, or forcing a non-consenting person to touch another's intimate parts.
3. physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the victim's use of drugs or alcohol. An individual also may be unable to give consent due to an intellectual or other disability.
4. sexual violence, which includes rape, sexual assault, sexual battery and sexual coercion.

Sex offenses: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent.
- **Forcible Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object or oral penetration by a sex organ of another person, without the consent of the victim. Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the

person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- **Forcible Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity. Non-Forcible Sex Offenses: Unlawful, non-forcible sexual intercourse.
- **Incest: Non-forcible sexual intercourse** between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

Standard of Proof: The standard of proof employed in the Title IX investigation is the preponderance of evidence standard, meaning any determination will be made on the basis of whether it is more likely than not that the respondent violated this policy. Criminal investigations running concurrently may require a higher level of proof.

Unfounded Crimes: The College may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situations where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore "unfounded." Only sworn or commissioned law enforcement personnel may "unfound" a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not "unfound" a crime report

Note: Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20U.S.C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).