

**NATHAN LAYNE INSTITUTE OF COSMETOLOGY**

**ANNUAL SECURITY REPORT**

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## TABLE OF CONTENTS:

SAFETY & SECURITY INFORMATION	4
A. Timely Warnings	4
B. Reporting the Annual Disclosure of Crime Statistics	4
C. Reporting of Criminal Offenses	4
D. Confidential Reporting	5
E. Access Policy	5
F. Campus Security Authority and Jurisdiction	5
G. Security Awareness Programs	6
H. Criminal Activity Off Campus	7
I. Emergency Notification, Response Preparation and Evacuation	7
J. Fire Prevention and Workplace Hazards	10
K. Alcoholic Beverages or Controlled Substances	10
L. Alcohol and Substance Abuse Education	10
M. Sexual Harassment Policies & Procedures	11
N. Sexual Offender Registration	11
CAMPUS CRIME REPORT	12
DRUG FREE SCHOOL POLICY	13
CAMPUS SEXUAL HARASSMENT POLICIES & PROCEDURES	17
1. Introduction	17
2. Scope of the Policy	17
3. Prohibited Conduct	17
4. Options for Assistance Following an Incident of Sexual Harassment	17
Reporting Incidents of Sexual Harassment.	18
Support Services Available.	18
Evidence Preservation	19
5. Title IX Coordinator	19
6. Reporting Policies and Protocols	20
Filing a Formal Complaint	20
Reporting to Law Enforcement	20
Reporting of Crimes & Annual Security Reports	21
Timely Warnings	21
Third-Party and Anonymous Reporting	21
No Retaliation	21
Coordination with Drug Free School Policy	22

7. School Policy on Confidentiality	22
Privileged and Confidential Communications – Professional & Pastoral Counselors	22
Reporting to “Responsible Employees”	23
Reporting to Title IX Coordinator	24
Requesting Confidentiality: How the School Will Weigh the Request and Respond.	24
Miscellaneous	25
8. Investigation Procedures and Protocols	26
Notice of Investigation	26
Investigation Process	26
Time Frame for Investigation	27
Impact of Complainant’s Confidentiality Request	27
Investigation Report	27
Informal Resolution	28
9. Grievance/Adjudication Procedures	29
Advisors	29
Written Submissions	29
Hearing Procedures	29
Decision Maker(s) Determinations/Standard of Proof	30
10. Sanctions and Other Remedies	31
11. Appeals	32
12. Records Disclosure	32
13. Education and Prevention Programs	33
Definitions of Sexual Misconduct under Idaho Law	33
Bystander Intervention	35
Risk Reduction	36
14. Amendments	37
Definitions of Key Terms	38

**NATHAN LAYNE INSTITUTE OF COSMETOLOGY**  
**SAFETY & SECURITY INFORMATION**

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

**A. Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the School Director constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The Director will immediately notify the school community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring at the school, unless issuing a notification will compromise efforts to contain the emergency. The warning will be issued through the most effective and efficient means available and may include email, text, social media and/or instant messaging to students and school employees. Notices may also be posted in the common areas throughout the school. Anyone with information warranting a timely warning should report the circumstances to the School Director by phone at (208) 232-9170 or in person at the school.

**B. Reporting the Annual Disclosure of Crime Statistics**

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

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

Each year notification is made to all enrolled students and employees that provides the web site to access this report. Copies of the report may also be obtained in person from the School Director or by calling (208) 232-9170. All prospective employees may obtain a copy from the School Director or by calling the school at (208) 232-9170.

**C. Reporting of Criminal Offenses**

The Nathan Layne Institute of Cosmetology encourages anyone who is the victim or witness to any crime or other emergency to report the incident as soon as possible. Contact the School Director at (208) 232-9170 (non-emergencies) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen loitering inside or around the school buildings should be reported to the School Director.

Reports may also be made to the school's Campus Security Authorities, or CSAs. Under Federal law, the definition of CSAs include individuals/offices designated by the school as those to whom crimes should be reported; and officials with significant responsibility for student and campus activities. If a school staff member has "significant responsibility" for students and campus activities outside of the classroom, and students potentially could report a crime / incident to that staff member, then they are

a CSA. CSAs are defined by function, not title. For Nathan Layne Institute of Cosmetology, CSAs include:

- President
- School Director
- Director of Education
- Financial Aid Administrator

For off campus options you may contact the Chubbuck Police Department at (208) 377-6790 for non-emergencies. You should always dial 9-1-1 for emergency situations.

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

#### **D. Confidential Reporting**

The Nathan Layne Institute of Cosmetology encourages anyone who is the victim or witness to any crime to report the incident as soon as possible. All reports will be investigated. The school does not have professional or pastoral counselors on staff, and does not have procedures for voluntary, confidential reporting of crime statistics. Violations of the law will be referred to the Chubbuck Department. When a potentially dangerous threat to the school community arises, timely reports or warnings will be issued through email messages, text messages, social media, the posting of flyers in the school buildings, in-class announcements, or other appropriate means.

#### **E. Access Policy**

The facilities are open Monday through Saturday according to assigned class/salon area schedules. During business hours, the school will be open to students, employees, contractors, guests, and invitees. The building may also be open for educational classes for licensed professionals in cosmetology or to groups securing the use of the facilities through the owner. During non-business hours' access to all school facilities is by key and security code, if issued, or by admittance via the owners and/or the School Director. Emergencies may necessitate changes or alterations to any posted schedules. No student will have access to the campus facility, other than the parking area, at any time unless supervised by a staff member.

#### **F. Campus Security Authority and Jurisdiction**

The school's administration attempts to provide a safe, secure educational environment for all students and employees. The school does not provide security guards on its campus premises. The ultimate authority for law enforcement at the school is the local police department. The school does not have any written agreements with local police departments for the investigation of alleged criminal offenses. School officials have the authority to contact the local police to request assistance in preventing or reacting to crime within or in the immediate vicinity of school facilities. The School Director is the school's coordinator of security issues. She is not authorized to arrest individuals but does have the authority to detain suspected criminal offenders if it is deemed safe to do so. The administration at the Nathan Layne Institute of Cosmetology has a strong, working relationship with the local police and work in partnership to offer students and employees the safest possible environment.

## **G. Security Awareness Programs**

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

The school encourages all students and employees to be responsible for their own security and the security of others. The school does not employ campus security officials. Therefore, the security of the campus is the direct responsibility of each employee and administrator. No such individuals have the authority to make arrests.

### **Safety**

Everyone should remember that personal safety begins with you. The following should be considered:

- When walking on campus, be aware of who and what is around you. Try not to walk alone.
- Do not carry large amounts of cash.
- Keep your motor vehicle in good running condition. Always lock your car and remove all packages and any valuables which are visible.
- Do not leave books or personal property unattended in the classroom.

All students are encouraged to take an active role in maintaining a safe environment. To avoid accidents and injuries, students are required to take preventative measures by:

- Using equipment properly;
- Following manufacturer's directions when using chemicals and products;
- Immediately wiping spills found on the floor;
- Assisting elderly and disabled guests;
- Keeping all aisles and areas around work stations free from personal items and debris; and
- Immediately reporting building and equipment safety hazards to Administration personnel.

### **Safety Reports**

For all minor or serious accidents, a Campus Security Authority must be called to the scene to gather the following information and submit a written report to the school's administration:

- name, address, phone number of the injured person;
- name of student(s) and educator working on the guest (if applicable);
- date and time of accident;
- description of how the accident happened; and
- name, address, phone number of other witnesses to the accident

### **Medical Emergencies and Accidents**

It is the goal of the Nathan Layne Institute of Cosmetology to provide and maintain a safe and nonviolent academic and working environment. In an effort to consistently reach this goal, we have established the following procedures in the event that a student witnesses or becomes involved in an occurrence:

#### **Emergency (medical)**

Notify a Campus Security Authority and/or your Instructor immediately, in case of a medical emergency such as:

- serious fall

- apparent heart attack
  - unconsciousness
  - chemical product; (spills in the eye or swallowing)
  - violent acts, assault, or rape
- The CSA or Instructor must provide the following information:
- nature of medical problem
  - address of the building
  - location of the person in the building
  - notify the Director of the location and nature of the accident
  - stay with the injured person
  - have someone meet the Emergency personnel
  - keep the area clear of bystanders

**Non-Emergency (medical)**

All accidents must be reported to the Director. The CSA or Instructor will attend to the injured guest or future professional and determine if professional medical attention is required. If there is any doubt, we recommend the injured person see a doctor.

**H. Criminal Activity Off Campus**

Off campus events are supervised by school employees. The Nathan Layne Institute of Cosmetology does not provide law enforcement services to off-campus activities on behalf of the school.

**I. Emergency Notification, Response Preparation and Evacuation**

The School Director will immediately notify the school community upon confirmation of an emergency or dangerous situation. The notification will be issued through the most effective and efficient means available and may include email, text, social media and/or instant messaging to students and school employees. Notices may also be posted in the common areas throughout the school.

The School Director has overall responsibility for coordinating and implementing the Emergency Notification, Response and Evacuation Plan. The School Director will ensure that the school's emergency evacuation procedures have been informed to the students and staff.

**Severe Weather Warnings**

Based on weather-service information the building management will make a decision on when to evacuate team members, students, and guests.

**Fire Drills**

Fire evacuation plans will be practiced with each class start and require your most serious cooperation and consideration. All exits must be in working condition and unobstructed.

From time to time, fire drills will be conducted to prepare for an emergency. Everyone must follow normal procedures in evacuating the building. Only the Director will give clearance to re-enter the building upon completion.

**Fire Alarms**

The Nathan Layne Institute of Cosmetology has an alarm monitored system that is directed to the Fire Department.

In all cases when the fire alarm sounds, students and staff must:

- instruct all guests to evacuate the building;
- assist the guests who need help evacuating;
- request assistance for disabled guests to evacuate down the stairs;
- evacuate the building immediately;
- Re-enter the building only when the Fire Department or the Director has given clearance.

### **In A Fire Emergency**

If you smell smoke or see fire, report it immediately to an Instructor or CSA. Do not panic. Proceed as follows:

- Students in the salon area exit single file out the front doors. **If you have a guest at the time, the guest is your responsibility.**
- If exiting out the front doors of the building, please report to the school parking lot and **remain there until a CSA is able to take an accurate count of staff, students and guests.**
- If in a classroom, exit out the nearest emergency exit; **If possible join the others at the school parking lot and remain there until a CSA is able to take an accurate count of staff, students and guests.**
- An evacuation map may be found near the exits, and other places throughout the school.

VIOLATION OF FIRE SAFETY RULES PUTS LIVES IN JEOPARDY. TAMPERING WITH FIRE ALARMS OR FIRE EQUIPMENT CAN RESULT IN FINES AND POSSIBLE INCARCERATION ACCORDING TO STATE LAW.

### **In the case of a Power Failure:**

- Remain calm
- Do not move
- Await instructions from staff personnel.
- If instructed to evacuate, use designated emergency exits ONLY.

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

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

Floorplans are posted throughout the Institute. Each plan will show a direct escape route. Please familiarize yourself with the escape routes in designated student areas.

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

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

School staff responsibilities:

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

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

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

The School Director will instruct School staff to close all windows and doors and, if warranted, order the shut-off of heating, ventilation and air conditioning systems to stop the inflow of outside air into the building. The Director will also designate staff to monitor radio, Internet, and other media for information on incident conditions that caused the shelter-in-place. The Director will contact and consult with public safety officials as appropriate, and be prepared to announce additional procedures due to changing conditions of the incident, or to announce an "All Clear".

School team member responsibilities:

- Move students into designated safe areas such as inside rooms with no windows, bathrooms, utility closets or hallways without large windows or doors.
- Close classroom doors and windows when leaving.
- Have everyone kneel down and be ready to cover their heads to protect from debris, if appropriate.

- All persons must remain in the shelter until notified by the School Director or public safety official that it is safe to exit.

### **Bomb Threat Procedure.**

In case of a bomb threat at the Nathan Layne Institute of Cosmetology:

- immediately contact the Police or Administrative personnel;
- evacuate the building when directed by the Police or Administrative personnel; and
- Remember in all situations to remain calm.

### **J. Fire Prevention and Workplace Hazards**

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

### **K. Alcoholic Beverages or Controlled Substances**

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

### **L. Alcohol and Substance Abuse Education**

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

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

Mental health and substance abuse services are available at:

#### **Drug Counseling, Rehabilitation & Assistance Programs**

24 Hour National Addiction Hotline **1.800.559.9503**

The National Institute on Drug Abuse Hotline: **1-800-662-HELP**

Moonlight Mountain Recovery **208-207-5567**

Ashwood Recovery **208-675-9594**

Lighthouse for Recovery (Pocatello) 1-866-720-3784

Additional information about drug and alcohol abuse, health risks, addiction and prevention can be accessed at the National Institute on Alcohol Abuse and Alcoholism

([www.collegedrinkingprevention.gov](http://www.collegedrinkingprevention.gov)) as well as the National Institute on Drug Abuse

([www.drugabuse.gov/DrugPages/DrugsofAbuse.html](http://www.drugabuse.gov/DrugPages/DrugsofAbuse.html)).

### **M. Sexual Harassment Policies & Procedures**

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

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

The school's Sexual Harassment Policy governs sexual harassment involving students that occurs on any school property or in connection with any school-sponsored program or event. This Policy applies to all students, employees, and third parties conducting business with the school, and does not discriminate on the basis of the person's gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. The school encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the school can respond appropriately. As further described in the Policy, the School will seek to respect a victim's request for confidentiality to the extent possible, while remaining ever mindful of the victim's well-being. The school prohibits retaliation against those who file a complaint or third-party report, or otherwise participate in the investigative and/or disciplinary process (e.g., as a witness).

### **N. Sexual Offender Registration**

In accordance to the Campus Sex Crimes Prevention Act of 2000, the Clery Act, and the Family Rights and Privacy Act of 1974, the School is providing information for where students and employees may obtain information regarding registered sex offenders. The Idaho Sex Offenders Registry may be found at:

[https://www.idoc.idaho.gov/content/probation\\_and\\_parole/sex\\_offender\\_management/information\\_for\\_sex\\_offenders](https://www.idoc.idaho.gov/content/probation_and_parole/sex_offender_management/information_for_sex_offenders)

The Campus Sex Crimes Prevention Act requires institutions of higher education to provide a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders can be obtained.

**NATHAN LAYNE INSTITUTE OF COSMETOLOGY**  
**CAMPUS CRIME REPORT**

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

Campus crime, arrest, and referral statistics include those reported to the School Director and local law enforcement agencies. Copies of the report may be obtained in the Director's Office or by calling (208) 232-9170. All prospective employees may obtain a copy from the School Director or by calling (208) 232-9170.

**To Report a Crime:** Contact the School Director at (208) 232-9170 (non-emergencies) or dial 9-1-1 (emergencies only). You may also contact one of the school's designated Campus Security Authorities. Any suspicious activity or person seen loitering inside or around the school buildings should be reported to the School Director.

Offense	On Campus			Non Campus			Public Property		
	2019	2020	2021	2019	2020	2021	2019	2020	2021
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>Arrests &amp; Disciplinary Referrals</b>									
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Law Arrests Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0

**Hate Crimes** – There were no reported hate crimes for the years 2019, 2020 or 2021.

## **NATHAN LAYNE INSTITUTE OF COSMETOLOGY DRUG FREE SCHOOL POLICY**

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

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

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

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

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

### **Drug & Alcohol Health Risks**

Drugs and alcohol can be highly addictive to the body and can cause harmful effects to virtually every aspect of a person's life: i.e., relationships, family, job, school, physical and emotional health. People who use drugs and alcohol may lose their sense of responsibility, become restless, irritable, paranoid, depressed, inattentive, anxious or experience sexual indifference, loss of physical coordination and appetite, coma, convulsions or even death.

Persons who use drugs and alcohol face not only health risks, but also their ability to function in their personal and professional lives can be impaired as well. Some examples of this are a hangover or feeling "burnt out"; being preoccupied with plans of the next drink or "high" or slowed reflexes that can be especially dangerous while driving. Alcohol-related driving deaths are the top killer of 15 to 24 years olds.

There are danger signals that could indicate when someone is in trouble with drugs or alcohol:

- abrupt changes in mood or attitude;

- continuing slump at work or school;
- continuing resistance to discipline at home or school;
- cannot get along with friends or family;
- unusual temper flare-ups;
- increased borrowing of money;
- heightened secrecy; and
- a complete new set of friends.

### **Reasonable Search:**

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

### **Student Assistance:**

The Nathan Layne Institute of Cosmetology holds all students accountable in terms of substance use but also supports getting help for students. Students who come forward voluntarily to identify that they have a substance problem will not be reprimanded. It is important for the student to come to an understanding regarding the extent of the problem in order to correct the problem and be able to avoid future usage in violation of the school's Policy. This is required in order to correct the problem and be able to avoid violating the school's Policy in the future. If the student is willing to actively engage in resolving the substance use problem, the school will refer the student to a Substance Abuse Professional for an assessment and possible outpatient counseling at the student's expense. This leave will be conditioned upon receipt of reports from the treatment providers that the student is cooperating and making reasonable progress in the treatment program. The student will be permitted to return to school only if (s)he passes a drug /alcohol test and has satisfactory medical evidence that (s)he is fit for attendance.

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

### **Disciplinary Action:**

Violation of this Policy will result in the student's immediate termination. Re-admittance may be considered after 60 days. To be considered for re-admittance, the student must provide proof of having satisfactorily attended treatment that is provided by a Substance Abuse Professional (SAP) and/or prescribed by a SAP and completed a drug and/or alcohol test, determined by which test was previously positive, with a negative test result. If the student is re-admitted, (s)he must complete the prescribed follow-up testing by the SAP or by law, as applicable, to continue attending the Nathan Layne Institute of Cosmetology. Treatment and follow-up testing will be at the expense of the student. The Nathan Layne Institute of Cosmetology may terminate a

student who has entered a rehabilitation program for violations of the Drug Free School Policy or any other school policy in accordance with the procedures set forth in the Student Catalog.

**Confidentiality:**

All information, interviews, reports, and statement memoranda, written or otherwise, received by the Nathan Layne Institute of Cosmetology as part of this drug program are confidential communications. Unless authorized by state laws, rules or regulations, the school will not release such information without a written consent form signed voluntarily by the student. Information will not be released unless such information or records are compelled by a court or a professional or occupational licensing board.

**Biennial Review:**

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

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

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

The Higher Education Act of 1965 as amended (HEA) suspends aid eligibility for students who have been convicted under federal or state law of the sale or possession of drugs, if the offense occurred during a period of enrollment for which the student was receiving federal student aid (grants, loans, and/or work-study). If you have a conviction(s) for these offenses, call the Federal Student Aid Information Center at 1-800-4-FED-AID (1-800-433-3243) to complete the "Student Aid Eligibility Worksheet" to find out how this law applies to you.

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

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

**Additional Consequences of Drug Law Violations**

Federal anti-drug laws could affect a number of areas in the lives of our students and team members. Students could lose eligibility for financial aid, or be denied other federal benefits such as Social Security, retirement, welfare, health, disability, and veterans benefits. The Department of Housing and Urban Development, which provides funds to states and communities for public housing, now has the authority to evict resident members of their household who are involved in drug-related crimes on or near the public housing premises. Businesses could lose federal contracts if the company does not promote a drug-free environment. Finally, a record of a felony conviction in a drug-related crime may prevent a person from entering certain careers.

**School Flexibility:**

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

# **NATHAN LAYNE INSTITUTE OF COSMETOLOGY**

## **CAMPUS SEXUAL HARASSMENT POLICIES & PROCEDURES**

### **1. Introduction**

The Nathan Layne Institute of Cosmetology (the "School") is committed to providing a working and educational environment for all students, faculty and staff that is free from sex discrimination, including sexual harassment. Every member of the School community should be aware that the School is strongly opposed to sexual harassment, and that such behavior is prohibited by state and federal laws.

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

### **2. Scope of the Policy**

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

### **3. Prohibited Conduct**

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

Harassment can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender.

**This Policy prohibits all forms of sexual harassment.**

### **4. Options for Assistance Following an Incident of Sexual Harassment**

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

### **Reporting Incidents of Sexual Harassment.**

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

When a student or employee reports to the School that the student or employee has been a victim of sexual harassment, whether the offense occurred on or off campus, the School will provide the student or employee a written explanation of the student's or employee's rights and options. The school will also provide the student or employee with written notification about assistance available both within the school and without, as well as information about options for academic and other supportive measures. A formal complaint is not a requirement for supportive measures to be implemented, as appropriate. The complainant will also receive information about the process for filing a formal complaint.

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

### **Support Services Available.**

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

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

National Sexual Assault Hotline  
800-656-HOPE (4673)

National Domestic Violence Hotline  
800-799-SAFE

Local resources are available to help assist with a variety of needs that may be requested/ necessary by a victim of sexual harassment. They are listed below.

**DVSAC**  
Domestic Violence and Sexual Assault Center  
1050 Memorial Dr.  
Idaho Falls, ID 83402  
(208) 529-4352

**Family Services Alliance of Southeast Idaho**  
Domestic and Sexual Assault Services  
355 S Arthur Avenue  
Pocatello, ID 83204  
(208) 232-0742  
Email: [contact@fsalliance.org](mailto:contact@fsalliance.org)

**Portneuf Medical Center**  
777 Hospital Way  
Pocatello, ID 83201  
(208) 239-1000

**Chubbuck Police Department**  
5160 Yellowstone Ave  
Chubbuck, Idaho 83202  
Dispatch Center (208) 237-7173

Whether or not a victim chooses to make an official report or participate in the School's disciplinary or criminal process, there is counseling and support available for victims of sexual harassment. Some local resources include the following:

The School's Title IX Coordinator will work with all students affected by sexual harassment to ensure their safety and support their wellbeing. This assistance may include providing accommodations to support or protect a student after an incident of sexual harassment and while an investigation or disciplinary proceeding is pending. Such supportive measures may include the ability to alter class schedules, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring). The School may be able to provide additional interim measures to complainants while an investigation is pending, such as no contact orders, and changing of class schedule(s). Students who report an incident of sexual harassment may also be able to obtain a formal protection order from a civil or criminal court. The School will work with the student and the applicable court to assist in the enforcement of any such protective orders.

### **Evidence Preservation**

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

### **5. Title IX Coordinator**

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

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

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

**Chelsea Spilman**  
141 E Chubbuck Rd  
Chubbuck, ID 83202

[chealsea@nathanlayne.com](mailto:chealsea@nathanlayne.com) (email)  
(208) 232-9170 (phone)

You may also contact the Educational Opportunities Section of the Civil Rights Division of the U.S. Department of Justice (DOJ), which can be reached at:

- [www.justice.gov/crt/educational-opportunities-section-overview](http://www.justice.gov/crt/educational-opportunities-section-overview)

## **6. Reporting Policies and Protocols**

The Nathan Layne Institute of Cosmetology strongly encourages all members of the School community to report information about any incident of sexual harassment as soon as possible, whether the incident occurred on or off campus. Reports can be made either to the School and/or to law enforcement. In circumstances where no formal complaint is filed triggering the Title IX grievance process, but the school has actual knowledge of sexual harassment, the School must still respond without deliberate indifference and provide supportive measures as appropriate.

Once there has been a report of sexual misconduct (including sexual harassment), the Title IX Coordinator will discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint and explain the process for filing a formal complaint. All supportive measures that are offered will be non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent. Some examples of supportive measures include: the ability to change class schedules; withdraw from/retake a class without penalty; access academic support such as tutoring; issue no contact orders; and change the respondent's class schedule.

### **Filing a Formal Complaint**

An incident of sexual harassment may be reported directly to the School's Title IX Coordinator. Anyone can report sex discrimination (including sexual harassment), even if they are not the victim. A formal complaint can be made by mail, telephone, email or in person. If the School's Title IX Coordinator is the respondent of the sexual harassment, the report should be submitted to the School's Director. Filing a report with a School official will not obligate the complainant to prosecute, nor will it subject the complainant to scrutiny or judgmental opinions from officers.

An individual who has experienced an incident of sexual harassment may report the incident at any time, regardless of how much time has elapsed since the incident occurred. The School is committed to supporting the rights of a person reporting an incident of sexual harassment to make an informed choice among options and services available.

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

### **Reporting to Law Enforcement**

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

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests

- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam)
- Assure the victim has a referral to confidential counseling from counselors specifically trained in the area of sexual assault

### **Reporting of Crimes & Annual Security Reports**

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

Each year the School prepares this report to comply with the Clery Act. The full text of this report can be located on the School's web site at <https://www.nathanlayneinstitute.com>. This report is prepared in cooperation with the local law enforcement agencies around our campus. Each year notification is made to all enrolled students and employees that provides the web site to access this report. Copies of the report may also be obtained in person from the School Director or by calling (208) 232-9170. All prospective employees may obtain a copy from the School Director.

### **Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the School Director constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The Director will immediately notify the school community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring at the school, unless issuing a notification will compromise efforts to contain the emergency. The warning will be issued through the most effective and efficient means available and may include email, text, social media and/or instant messaging to students and school employees. Notices may also be posted in the common areas throughout the school. Anyone with information warranting a timely warning should report the circumstances to the School Director by phone at (208) 232-9170 or in person at the School.

### **Third-Party and Anonymous Reporting**

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

### **No Retaliation**

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

### **Coordination with Drug Free School Policy**

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

### **Dismissal Procedure**

There are certain, specific instances that require a mandatory dismissal of a complaint, or some allegations within a complaint of sexual harassment and other instances that *may* result in the dismissal of a complaint or some allegations within a complaint.

The reasons for Mandatory Dismissals include:

- If the allegations do not meet the definition of sexual harassment;
- If the complaint alleges sexual harassment that did not occur in the School's education program or activity.

The reasons for Discretionary Dismissal include:

- If the complainant notifies the Title IX Coordinator in writing that they wish to withdraw the complaint or some of the allegations in the complaint;
- If the respondent is no longer enrolled or employed by the school;
- If specific circumstances prevent the School from gathering sufficient evidence to reach a determination.

If a complaint is dismissed, the School will give the parties written notice of the dismissal (mandatory or discretionary) and include the reason for dismissal. Both parties have the right to appeal a School's dismissal decision. Some allegations that are dismissed may still be pursued as a violation of another policy within the School.

### **7. School Policy on Confidentiality**

The School encourages complainants of sexual harassment to talk to somebody about what happened – so they can get the support they need, and so the School can respond appropriately.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual harassment. The School encourages complainants to talk to someone identified in one or more of these groups.

#### **Privileged and Confidential Communications – Professional & Pastoral Counselors**

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

A complainant who at first requests confidentiality may later decide to file a complaint with the School

or report the incident to local law enforcement, and thus have the incident fully investigated.

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

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

### **Reporting to "Responsible Employees"**

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

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

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

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

For Nathan Layne Institute of Cosmetology, responsible employees include the School's:

- President
- School Director
- Financial Aid Administrator (Title IX Coordinator)

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

If the complainant wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the complainant that the School will make every effort to honor that request, so long as doing so does not prevent the school from effectively preventing the harassment of other students of the complainant. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the complainant's request for confidentiality.

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

## **Reporting to Title IX Coordinator**

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

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

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

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

### **Requesting Confidentiality: How the School Will Weigh the Request and Respond.**

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

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

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

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

- The increased risk that the respondent will commit additional acts of sexual harassment or other violence, such as:
  - whether there have been other sexual harassment complaints about the same alleged respondent;
  - whether the respondent has a history of arrests or records from a prior school indicating a history of violence;
  - whether the respondent threatened further sexual harassment or other violence against the complainant or others;
  - whether the sexual harassment was committed by multiple respondents;

- Whether the sexual harassment was perpetrated with a weapon;
- Whether the complainant is a minor;
- Whether the School possesses other means to obtain relevant evidence of the sexual harassment (e.g., security cameras or personnel, physical evidence);
- Whether the complainant'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 School to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the School will likely respect the complainant's request for confidentiality.

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

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

The School may not require a complainant to participate in any investigation or disciplinary proceeding.

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

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

### Miscellaneous

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

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

## **8. Investigation Procedures and Protocols**

The School's Title IX Coordinator oversees the School's investigation, response to, and resolution of all reports of prohibited sexual harassment, and of related retaliation, involving students, faculty, and staff. The Title IX Coordinator will designate an investigator (or team of investigators) to interview the complainant, respondent and any witnesses. The investigator will also gather pertinent documentary materials (if any) and other information.

### **Notice of Investigation**

The Title IX Coordinator will inform the complainant before starting an investigation. The complainant may request that an investigation not be undertaken. The Title IX Coordinator will consider such a request in light of the School's commitment to provide a safe and non-discriminatory environment for all students. If the Title IX Coordinator determines not to investigate, she will notify the complainant in writing, including that the determination was made at the complainant's request. At the complainant's request, the Title IX Coordinator will also notify the respondent in writing, including that the complainant asked the School not to investigate.

The investigator will direct the complainant, respondent, witnesses and other interested individuals to preserve any relevant evidence.

If an investigation proceeds, the School will notify the respondent in writing that a report has been filed. The notice will describe the allegations in the report. The complainant and respondent will be given the opportunity to meet separately with the Title IX Coordinator to review the Policy and these Procedures.

### **Investigation Process**

Both the complainant and respondent will be given specific, equal rights and protections whether a complainant filed a formal complaint or the Title IX Coordinator began an investigation by signing the formal complaint. Both parties have an equal opportunity to have witnesses and evidence, including expert witnesses. Complainants and respondents are both provided with the same opportunities to have others present during the grievance proceedings, including access to an advisor of choice for any meetings or hearings.

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

The School will provide written notice of the date, time, location, participants and purpose of all hearings, interviews, or other meetings, with sufficient time for preparation to both parties. Furthermore, both parties and their advisors have an equal opportunity to inspect and review the evidence obtained by the School as part of its investigation if the information is directly related to the allegations that were raised in the formal complaint to include: documents, notes from interviews with students or employees, or other types of evidence that the school gathers; including information the School doesn't think it will use or that it plans to use before reaching a determination. This evidence can be delivered in an electronic format or hard copy.

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

conclusion of any related criminal proceeding.

### **Time Frame for Investigation**

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

Where necessary, the School will take immediate steps to protect complainants pending the final outcome of an investigation, including academic accommodations and other supportive measures. These steps may include the ability to change class schedules; withdraw from/retake a class without penalty; access academic support such as tutoring; issue no contact orders; and change the respondent's class schedule.

### **Impact of Complainant's Confidentiality Request**

A complainant's request for confidentiality will likely limit the School's ability to investigate a particular matter. The School may take steps to limit the effects of the alleged sexual harassment and prevent its recurrence without initiating formal action against the respondent or revealing the identity of the student complainant. Examples include: providing increased monitoring, supervision, or security at locations or activities where the harassment occurred; providing training and education materials for students and employees; revising and publicizing the School's policies on sexual harassment; and conducting climate surveys regarding sexual harassment.

### **Investigation Report**

The investigator will prepare a report detailing the relevant content from the interviews and the documentation gathered. The report will include the assessment of individual credibility and recommended findings of responsibility.

The respondent and complainant will each have the opportunity to review a copy of the investigative report and any other information used during the disciplinary proceedings. The names and other identifying information of other students will be redacted from such materials in accordance with the Family Educational Rights and Privacy Act (FERPA), except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination. After receiving a copy of the investigative report, both parties will have no less than 10 days to respond to evidence in writing. If a response is submitted, the School will consider that response before finalizing the report. The investigative report will then be finalized and provided to both parties at least 10 days before any determination of responsibility, or 10 days before a hearing, if a hearing is requested.

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

### **Informal Resolution**

At any time prior to reaching a determination regarding responsibility the School may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication so long as:

- Both parties are provided written notice disclosing the allegations and the requirements of the informal resolution process;
- Both parties are notified that any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint;
- Both parties provide written consent to the informal resolution process; and
- Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Informal resolution is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preference of the complainant and the safety and welfare of the School community. Informal resolution is not appropriate for all forms of conduct under the Policy.

Both the complainant and the respondent must voluntarily consent to resolve a complaint without engaging in the formal grievance procedure. The School retains the discretion to determine, when selected by the complainant, which cases are appropriate for informal resolution. Informal resolution may include: conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the harassment occurred; facilitating a meeting with the respondent with the complainant present (in cases that do not involve sexual assault); and any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy.

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

The School will not compel a complainant or respondent to engage in mediation, to confront directly the respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, is never appropriate in sexual assault cases and will not be used in such cases. As the title implies, participation in informal resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation and adjudication at any time, including if informal resolution is unsuccessful at resolving the report.

The time frame for completion of informal resolution may vary, but the School will seek to complete the process within 15 days of the request.

## **9. Grievance/Adjudication Procedures**

Every person's right to choose to participate, or not, in any part of a grievance process is protected. No one should be forced, threatened, coerced, or discriminated against for choosing not to be part of the grievance process. If a party or witness chooses not to appear at the live hearing, or not to answer questions, the decision maker(s) should exclude their statements will evaluate any evidence that does not involve those statements. The decision maker(s) must never make assumptions about responsibility based on the fact that a party or witness did not attend the hearing or submit to cross-examination.

### **Advisors**

Both the complainant and the respondent are entitled to be accompanied to any meeting or proceeding relating to the allegation of sexual harassment by an advisor or support person of their choice. If a complainant or respondent are unable to provide their own advisor, one will be provided by the school at no cost, for the sole purpose of cross-examination.

### **Written Submissions**

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

### **Hearing Procedures**

The Title IX Coordinator will, whenever possible, give the complainant and respondent at least five days' advance notice of the hearing. The Title IX Coordinator may arrange to hold the hearing at an off-campus location. A live hearing may be held virtually, or some participants may appear virtually, using technology that allows everyone to see and hear each other. The hearing is a closed proceeding, meaning that no one other than the Title IX Coordinator, decision maker(s), the complainant and respondent, their respective advisors, witnesses (when called), and necessary School personnel may be present during the proceeding. The School Director will work with School staff so that any student whose presence is required may participate in the hearing. All accommodations to those with disabilities will be made with respect to visual, auditory or written communication.

In general, hearings will proceed as follows:

- The Title IX Coordinator may set reasonable time limits for any part of the hearing. Each of the complainant and respondent will have the opportunity to present witnesses and other information consistent with the Policy and these Procedures. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- If a party does not have an advisor present at the live hearing, the School will provide an advisor of the School's choosing without any fee or charge to that party. The advisor that is provided by the School is to conduct all cross-examination on behalf of that party.
- If a party or witness does not submit to cross-examination at the live hearing, the decision maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility.
- Cross-examination at the live hearing must be conducted directly, orally and in real time by the party's advisor of choice and never by the party personally.

- At the request of either party, the School will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision maker(s) and parties to simultaneously see and hear the party or witness answering questions.
- Additional hearing rules include:
  - Questioning. Only an advisor may ask questions of the complainant and respondent and any witnesses. Both the complainant and respondent will have the opportunity to suggest questions of the other and of witnesses by submitting suggested questions to their advisor.
  - Information Regarding Romantic or Sexual History. The decision maker(s) will not consider the romantic or sexual history of either the complainant or respondent in cases involving allegations of sexual harassment, except for testimony is offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent. The existence of a prior consensual dating or sexual relationship between the complainant and respondent by itself does not support an inference of consent to alleged sexual harassment.
  - Prior Conduct Violations. The decision maker(s) will not consider the respondent's prior conduct violations, unless the investigator provided that information to the decision maker(s) because the respondent was previously found to be responsible, and the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.

The School will keep an audio recording of the hearing for the use of the decision maker(s), for sanctioning, and for purposes of appeal. The audio recording or transcript of any live hearing will be made available to the parties for inspection and review. Cell phones and recording devices may not be used in the hearing room(s) unless approved by the decision maker(s) in advance.

#### **Decision Maker(s) Determinations/Standard of Proof**

A School's decision maker(s) cannot be the same person who conducted the investigation and cannot be the Title IX Coordinator. The decision maker(s) will be objective and free from conflicts of interest or bias. They will receive special training about how to be impartial and how to decide relevant evidence. The decision maker(s) will weigh the relevant evidence and decide whether it meets the School's standard of evidence for sexual harassment allegations.

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

The parties will be informed of the results of the adjudication hearing by simultaneous written notice to both parties of the outcome of the complaint. The decision maker(s)'s decision will include a written explanation of the basis for the decision to include: School policies that were violated, description of procedural steps taken leading up to the decision, a finding of facts section, a section that draws conclusions after applying facts to the portion of School's policy that applies, statement of rationale for

the ultimate determination of responsibility, any disciplinary sanctions that the School will impose on respondent and state any remedies that the School will provide to the complainant, a statement and rationale for any remedies given, addressing how they will restore or preserve equal access to educational activities, a statement of the School's procedures and a statement that the parties have a right to appeal the initial determination of responsibility and the permissible bases for an appeal. As set forth in Section 11, below, both parties shall have the option to appeal the hearing decision maker(s)'s determination.

### **10. Sanctions and Other Remedies**

The Title IX Coordinator, with the advice and counsel of the decision maker(s), shall be responsible for imposing sanctions that are:

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

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

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

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

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

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

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

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

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

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

### **11. Appeals**

Either the respondent or the complainant or both may appeal the determination of the hearing panel and/or the sanctions. Appeals are decided by the School's President. The three grounds for appeal are:

1. A procedural error affecting the determination or sanction;
2. New information that was not available at the time of the investigation or hearing and that may change the determination or sanction; and
3. Excessiveness or insufficiency of the sanction.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

The appealing student must submit the appeal in writing to the School's President within five days after receiving the sanctioning notice. If either the complainant or respondent submits an appeal, the Title IX Coordinator will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing student may submit a written response within five days after notice of an appeal.

If the President concludes that a change in the hearing panel's determination is warranted, the President may enter a revised determination, reconvene the panel to reconsider the determination, or return the matter for additional investigation. After consultation with the Title IX Coordinator, the President may also change the sanction. If both the complainant and respondent appeal, the appeals will be considered concurrently.

The President will notify the complainant and respondent of the final decision in writing. Appeals decisions will be rendered within 15 days after the receipt of the written appeal. All appeal decisions are final.

### **12. Records Disclosure**

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

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

other compulsory legal process.

Additional information about FERPA can be found in the School's Catalog and on the School's website at <https://www.nathanlayneinstitute.com>.

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

### **13. Education and Prevention Programs**

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

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

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

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

### **Definitions of Sexual Misconduct under Idaho Law**

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

Idaho Code Section 18-6101 defines Rape as the penetration, however slight, of the oral, anal or vaginal opening with a penis accomplished under any one of the following circumstances:

- (1) Where the victim is under the age of 16 years and the perpetrator is 18 years of age or older.
- (2) Where the victim is 16 or 17 years of age and the perpetrator is three years or more older than the victim.
- (3) Where the victim is incapable, through any unsoundness of mind, due to any cause including, but not limited to, mental illness, mental disability or developmental disability, whether temporary or permanent, of giving legal consent.
- (4) Where the victim resists but the resistance is overcome by force or violence.
- (5) Where the victim is prevented from resistance by the infliction, attempted infliction, or threatened infliction of bodily harm, accompanied by apparent power of execution; or is unable to resist due to any

intoxicating, narcotic, or anesthetic substance.

(6) Where the victim is prevented from resistance due to an objectively reasonable belief that resistance would be futile or that resistance would result in force or violence beyond that necessary to accomplish the prohibited contact.

(7) Where the victim is at the time unconscious of the nature of the act.

(8) Where the victim submits under the belief that the person committing the act is the victim's spouse, and the belief is induced by artifice, pretense or concealment practiced by the accused, with intent to induce such belief.

(9) Where the victim submits under the belief that the person committing the act is someone other than the accused, and the belief is induced by artifice, pretense or concealment practiced by the accused, with the intent to induce such belief.

(10) Where the victim submits under the belief, instilled by the actor, that if the victim does not submit, the actor will cause physical harm to some person in the future; or cause damage to property; or engage in other conduct constituting a crime; or accuse any person of a crime or cause criminal charges to be instituted against the victim; or expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt or ridicule.

Males and females are both capable of committing the crime of rape as defined in this section.

Idaho Code Section 18-6608 states that every person who, for the purpose of sexual arousal, gratification or abuse, causes the penetration, however slight, of the genital or anal opening of another person, by any object, instrument or device:

(1) Against the victim's will by:

- (a) Use of force or violence; or
- (b) Duress; or
- (c) Threats of immediate and great bodily harm, accompanied by apparent power of execution; or

(2) Where the victim is incapable, through any unsoundness of mind, whether temporary or permanent, of giving legal consent; or

(3) Where the victim is prevented from resistance by any intoxicating, narcotic or anesthetic substance; or

(4) Where the victim is at the time unconscious of the nature of the act because the victim:

- (a) Was unconscious or asleep; or
- (b) Was not aware, knowing, perceiving or cognizant that the act occurred

shall be guilty of a felony and shall be punished by imprisonment in the state prison for not more than life.

The Idaho Code does not specifically define Consent. However, the definition of rape under Idaho Code Section 18-6101 states that crime rape occurs in circumstance where the victim is unable to provide consent or where

consent is invalid.

The Idaho Code provides the following definitions with respect to Stalking:

Idaho Code Section 18-7905. Stalking in the First Degree.

(1) A person commits the crime of stalking in the first degree if the person violates section Idaho Code section 18-7906 [see below], and:

- (a) The actions constituting the offense are in violation of a temporary restraining order, protection order, no contact order or injunction, or any combination thereof; or
- (b) The actions constituting the offense are in violation of a condition of probation or parole; or
- (c) The victim is under the age of 16 years; or
- (d) At any time during the course of conduct constituting the offense, the defendant possessed a deadly weapon or instrument; or
- (e) The defendant has been previously convicted of a crime under this section or section 18-7906, Idaho Code, or a substantially conforming foreign criminal violation within seven years, notwithstanding the form of the judgment or withheld judgment; or
- (f) The defendant has been previously convicted of a crime, or an attempt, solicitation or conspiracy to commit a crime, involving the same victim as the present offense under any of the following provisions of Idaho Code or a substantially conforming foreign criminal violation within seven years, notwithstanding the form of the judgment or withheld judgment:
  - (i) Chapter 9, title 18;
  - (ii) Chapter 15, title 18;
  - (iii) Chapter 61, title 18;
  - (iv) Section 18-4014 (administering poison with intent to kill);
  - (v) Section 18-4015 (assault with intent to murder);
  - (vi) Section 18-4501 (kidnapping);
  - (vii) Section 18-5501 (poisoning);
  - (viii) Section 18-6608 (forcible sexual penetration by use of foreign object);
  - (ix) Section 18-7902 (malicious harassment); or
  - (x) Section 18-8103 (act of terrorism).

Idaho Code Section 18-7906. Stalking in the Second Degree.

(1) A person commits the crime of stalking in the second degree if the person knowingly and maliciously:

- (a) Engages in a course of conduct that seriously alarms, annoys or harasses the victim and is such as would cause a reasonable person substantial emotional distress; or
- (b) Engages in a course of conduct such as would cause a reasonable person to be in fear of death or physical injury, or in fear of the death or physical injury of a family or household member.

(2) As used in this section:

- (a) "Course of conduct" means repeated acts of

nonconsensual contact involving the victim or a family or household member of the victim, provided however, that constitutionally protected activity is not included within the meaning of this definition.

(b) "Family or household member" means:

(i) A spouse or former spouse of the victim, a person who has a child in common with the victim regardless of whether they have been married, a person with whom the victim is cohabiting whether or not they have married or have held themselves out to be husband or wife, and persons related to the victim by blood, adoption or marriage; or

(ii) A person with whom the victim is or has been in a dating relationship, as defined in section 39-6303, Idaho Code; or

(iii) A person living in the same residence as the victim.

(c) "Nonconsensual contact" means any contact with the victim that is initiated or continued without the victim's consent, that is beyond the scope of the consent provided by the victim, or that is in disregard of the victim's expressed desire that the contact be avoided or discontinued. "Nonconsensual contact" includes, but is not limited to:

(i) Following the victim or maintaining surveillance, including by electronic means, on the victim;

(ii) Contacting the victim in a public place or on private property;

(iii) Appearing at the workplace or residence of the victim;

(iv) Entering onto or remaining on property owned, leased or occupied by the victim;

(v) Contacting the victim by telephone or causing the victim's telephone to ring repeatedly or continuously regardless of whether a conversation ensues;

(vi) Sending mail or electronic communications to the victim; or

(vii) Placing an object on, or delivering an object to, property owned, leased or occupied by the victim.

(d) "Victim" means a person who is the target of a course of conduct.

The Idaho Code provides the following definitions with respect to Domestic Violence:

Idaho Code Section 18-918. Domestic Violence.

(1) For the purpose of this section:

(a) "Household member" means a person who is a spouse, former spouse, or a person who has a child in common regardless of whether they have been married or a person with whom a person is cohabiting, whether or not they have married or have held themselves out to be husband or wife.

(b) "Traumatic injury" means a condition of the body,

such as a wound or external or internal injury, whether of a minor or serious nature, caused by physical force.

(2) (a) Any household member who in committing a battery, as defined in section 18-903, Idaho Code, inflicts a traumatic injury upon any other household member is guilty of a felony.

(3) (a) A household member who commits an assault, as defined in section 18-901, Idaho Code, against another household member which does not result in traumatic injury is guilty of a misdemeanor domestic assault.

(b) A household member who commits a battery, as defined in section 18-903, Idaho Code, against another household member which does not result in traumatic injury is guilty of a misdemeanor domestic battery.

Idaho Code Section 39-6304 provides for an action known as a "petition for a protection order" in cases of domestic violence. A person may seek relief from domestic violence by filing a petition based on a sworn affidavit with the magistrate's division of the district court, alleging that the person or a family or household member, whether an adult or a child, is the victim of domestic violence. A custodial or noncustodial parent or guardian may file a petition on behalf of a minor child who is the victim of domestic violence. A person's right to petition for a protection order shall not be affected by that person's having left the residence or household to avoid abuse.

For purposes of the Idaho Domestic Violence Crime Prevention Act, Idaho Code Section 39-6301 *et seq.*, (1) "Domestic violence" means the physical injury, sexual abuse or forced imprisonment or threat thereof of a family or household member, or of a minor child by a person with whom the minor child has had or is having a dating relationship, or of an adult by a person with whom the adult has had or is having a dating relationship.

(2) "Dating relationship" is defined as a social relationship of a romantic nature. Factors that the court may consider in making this determination include:

(a) The nature of the relationship;

(b) The length of time the relationship has existed;

(c) The frequency of interaction between the parties; and

(d) The time since termination of the relationship, if applicable.

(3) "Family member" means spouses, former spouses and persons related by blood, adoption or marriage.

\* \* \*

(6) "Household member" means persons who reside or have resided together, and persons who have a child in common regardless of whether they have been married or have lived together at any time.

## Bystander Intervention

The School's primary prevention and awareness program includes a description of safe and positive options for bystander intervention. Active bystanders take the initiative to help someone who may be targeted for a sexual assault. They do this in ways that are intended to avoid verbal or physical conflict.

Active bystanders also take the initiative to help friends, who are not thinking clearly, from becoming offenders of crime. Intervention does not mean that you directly intervene to stop a crime in progress; rather, these steps are “early intervention” – before a crime begins to occur. There are three important components to consider before taking action that we refer to as the ABCs:

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

*Information on Bystander Intervention was provided by the Department of Defense Sexual Assault Prevention and Response Office from: [www.sapr.mil](http://www.sapr.mil)*

### **Risk Reduction**

The School’s primary prevention and awareness program includes information on risk reduction. This includes:

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

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

*Safety Planning.* Things to think about:

- How to get away if there is an emergency? Be conscious of exits or other escape routes. Think about options for transportation (car, bus, subway, etc.).
- Who can help? Friends and/or family, or support centers in your area. Please see Section 4 of this Policy for a list of support organizations.
- Where to go? Options may include a friend’s house or relative’s house, or you may consider going to a domestic violence or homeless shelter. You may also go to the police. **Important Safety Note:** If the dangerous situation involves a partner, go to the police or a shelter first.
- What to bring? This may include important papers and documents such birth certificate, social security card, license, passport, medical records, lease, bills, etc. This will also include house keys, car keys, cash, credit cards, medicine, important numbers, and your cell phone. If you are bringing children with you, remember to bring their important papers and legal documents. You can keep all of these things in an emergency bag. You should hide the bag—it is best if it is

not in your house or car. If the bag is discovered, you can call it a “tornado” or “fire” bag.

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

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

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

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

*Information on Risk Reduction was provided by RAINN: Rape, Abuse & Incest National Network: [www.rainn.org](http://www.rainn.org).*

#### **14. Amendments**

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

# Nathan Layne Institute of Cosmetology

## Sexual Harassment Policy

### Definitions of Key Terms

- Sexual Harassment- Conduct on the basis of sex that meets one or more of the following descriptions:
  - Quid Pro Quo Harassment – refers to a situation where students and/or employees are subject to unwanted sexual behavior where submission or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual’s education, employment, or participation in a School program or activity.
  - Hostile Environment - unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school’s education program or activity.
  - Sexual Violence - “Sexual assault”, “dating violence”, “domestic violence”, or “stalking” as those terms are defined under other Federal laws called the Clery Act and the Violence Against Women Act.
  
- Sexual Assault - is any unwanted physical contact of a sexual nature that occurs either without the consent of each participant or when a participant is unable to give consent freely. Sexual assault can occur either forcibly and/or against a person’s will, or when a person is unable to give consent freely. Non-consensual sexual intercourse is any form of sexual intercourse (vaginal, anal or oral) with any object without consent. Non-consensual sexual contact is any intentional sexual touching, however slight, with any object without a person’s consent. Sexual assault includes rape and sex offenses defined below.
  
- *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.
  
- *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.
  - *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.
  - *Incest* - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - *Statutory Rape* - Sexual intercourse with a person who is under the statutory age of consent.
  
- Domestic Violence - A felony or misdemeanor crime of violence committed (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) by any other person against an adult or youth victim who is protected from that

person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- Prohibited Conduct – The School prohibits Sexual Assault, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking as defined in these Definitions of Key Terms.
- Sexual Exploitation - sexual misconduct that occurs when a person takes unjust or abusive sexual advantage of another for his or her own advantage or benefit or for the benefit or advantage of anyone other than the exploited party; and that behavior does not otherwise constitute sexual assault. Examples of sexual exploitation include, but are not limited to, videotaping or photographing of any type (web-cam, camera, Internet exposure, etc.) without knowledge and consent of all persons; prostituting another person; knowingly transmitting HIV or a sexually transmitted disease to an unknowing person or to a person who has not consented to the risk; or inducing incapacitation with the intent to commit sexual assault, without regard to whether sexual activity actually takes place.
- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Retaliation - means any adverse action, or attempted adverse action, against an individual or group of individuals because of their participation in any manner in an investigation, proceeding, or hearing under this Policy.
- Intimidation - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- Consent is a voluntary agreement to engage in sexual activity.
  - Past consent does not imply future consent.
  - Silence or an absence of resistance does not imply consent.
  - Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.

- Consent can be withdrawn at any time.
- Coercion, force, or threat of either invalidates consent.

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

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