

**AVEDA INSTITUTE CHAPEL HILL**

**2018 ANNUAL SECURITY REPORT**

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# **AVEDA INSTITUTE CHAPEL HILL SAFETY & SECURITY INFORMATION**

The Institute 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 Institute Director and local law enforcement agencies. Copies of the report may be obtained in the Professional Development Office or by calling 919.948.2789. All prospective employees may obtain a copy from the Institute Director or by calling 919.948.2800.

## **To Report A Crime**

Contact the Institute Director at 919.948.2800 (non-emergencies) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen loitering inside or around the Institute buildings should be reported to the Institute Director. In addition, you may report a crime to the Professional Development representatives at 919.948.2789.

## **CAMPUS SECURITY PROCEDURES**

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

### **A. Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the Institute Director constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The Director will immediately notify the Institute community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring at the Institute, unless issuing a notification will compromise efforts to contain the emergency. The warning will be issued through the most effective and efficient means available and may include instant messaging to students and Institute employees. Notices may also be posted in the common areas throughout the Institute. Anyone with information warranting a timely warning should report the circumstances to the Institute Director by phone at 919.948.2800 or in person at the Institute.

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

The Institute prepares this report to comply with the Clery Act. The full text of this report can be located on our web site at [http://nurturavedainstitutes.com/AICH\\_Annual\\_Security\\_Report.pdf](http://nurturavedainstitutes.com/AICH_Annual_Security_Report.pdf). 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 Chapel Hill Police, designated campus officials (including but not limited to the Institute 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 Institute Director or by calling 919.948.2800. All prospective employees may obtain a copy from the Institute Director or by contacting the Director of Human Resources at 513.576.9333.

## **C. Reporting of Criminal Offenses**

The Aveda Institute Chapel Hill encourages anyone who is the victim or witness to any crime or other emergency to report the incident as soon as possible. Contact the Institute Director at 919.948.2800 (non-emergencies) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen loitering inside or around the Institute buildings should be reported to the Institute Director. In addition, you may report a crime to the Professional Development Representatives at 919.948.2789.

For off campus options you may contact the Chapel Hill Police Department at 919.968.2760 for non-emergencies. You should always dial 9-1-1 for emergency situations.

The Chapel Hill 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 Chapel Hill Police Department cannot hold reports of crime in confidence. Anonymous reports of crime may be made to the Chapel Hill Police Department by calling 919.968.2760.

## **D. Confidential Reporting**

The Aveda Institute Chapel Hill encourages anyone who is the victim or witness to any crime to report the incident as soon as possible. All reports will be investigated. The Institute does not have procedures for voluntary, confidential reporting of crime statistics. Violations of the law will be referred to the Chapel Hill Police Department. When a potentially dangerous threat to the Institute community arises, timely reports or warnings will be issued through Twitter postings, the posting of flyers in the Institute buildings, in-class announcements, or other appropriate means.

## **E. Access Policy**

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

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

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

## **G. Security Awareness Programs**

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

## **H. Criminal Activity Off Campus**

The Aveda Institute Chapel Hill does not provide law enforcement services to off-campus activities on behalf of the Institute.

# I. Fire Alarm or Emergencies Requiring Building Evacuation

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

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

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

Institute team member responsibilities:

- Instruct students and guests to exit the building using the designated emergency exit routes or as directed by the Director. Emergency exit routes should be diagramed on the school floor plan drawing posted near the light switch inside each room.
- Use a secondary route if the primary route is blocked or hazardous.
- Help those needing special assistance.
- Do not lock classroom doors when leaving, close door and turn off lights.
- Do not stop for student or staff belongings.
- Take class roster, phone lists, first-aid kit and other emergency supplies with you. Check the bathrooms, hallways and common areas for visitors, staff or students while exiting.
- Go to designated evacuation assembly area (minimum of 50 feet from building is required in fire evacuation and 300 feet from building for bomb threat, chemical spill inside building, or other directed evacuations).
- When outside the building, check for injuries.
- Account for all students. Immediately report any missing or injured students to the Director.
- Wait for additional instructions.

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

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

Institute team member responsibilities:

- Clear the hallway and bathrooms by your room, moving everyone into the classroom.
- Lock your doors.
- Move any large objects in front of the door to barricade door. All moveable items such as chairs should be used as well.
- Take attendance and be prepared to notify the Director or local law enforcement of missing students or additional students, staff or guests sheltered in your classroom.
- Do not place students in one location within the room. In the event that entry is gained by a shooter or intruder, students should consider exiting by running past the shooter/intruder.

- Staff and students may utilize methods to distract the shooter/intruder's ability to accurately shoot or cause harm, such as loud noises or aiming and throwing objects at the shooter/intruder's face or person.
- Allow no one outside of the classroom until the Director or local law enforcement gives the "All Clear" signal unless a life-threatening situation exists and a means to safe exit is available (through a window or other safe passage).
- If students and Institute personnel are outside of the school building at the time of a lockdown, Institute personnel will move students to the designated off-site assembly location.

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

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

The Director and Institute staff will instruct Institute 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".

Institute team member responsibilities:

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

**Bomb Threat Procedure.** The Director has developed these procedures to protect staff, students, guests and Institute property in the event of a communicated threat regarding the presence of destructive devices on Institute property. This may include any explosive device of an incendiary, chemical, biological, or radioactive nature. A bomb threat will result in law enforcement and other safety and emergency services responding to the scene.

Once law enforcement arrives, it is critical to follow the instructions of, and cooperate with, the law enforcement officers who will have jurisdiction over the scene. The Institute is a crime scene and will require a thorough search and processing.

Staff who received a message that a bomb has been placed in the Institute should:

- Make a record of the exact wording of the threat.
- Ask in a clear and calm voice: Where the bomb is located; What does it look like; What materials are in the bomb (type of bomb); How is it activated; When will the bomb explode; Who is calling, name and address; Did you place the bomb; Why are you doing this.
- If the threat is made by phone, listen closely to caller's voice and speech patterns and to noises in background. Make a record of that information.
- If the threat is made by phone and the caller hangs up, immediately dial \*57 to trace the call.
- Notify the Director and/or call 911.

The Director will notify law enforcement, fire and emergency services by calling 911 if not already notified. The Director will assign staff to meet and brief emergency responder agencies. The Director will notify staff and students that a building emergency is in effect, and that all staff and students should remain in

their rooms until advised otherwise. If a suspicious item is located, the Director will determine if evacuation procedures should be activated, selecting routes and assembly areas away from the suspicious item. THE DIRECTOR WILL NOT ACTIVATE THE FIRE ALARM. The Director should determine if further response should await arrival of law enforcement and other emergency services.

Once emergency responders are on scene, decisions must be made to:

- Evacuate immediately, if this has not already occurred and if warranted, selecting routes and assembly areas away from the suspicious item. DO NOT ACTIVATE THE FIRE ALARM.
- Speak to staff who received the threat and obtain information.
- Search the building.
- If a search is to be conducted, assemble and brief a search team at the interior command post. Assign search areas within the building, the emergency exit routes and the outside assembly areas.
- If a suspicious item is located, order an evacuation, if that has not already occurred.
- No one may re-enter the building(s) until fire or police personnel declare it is safe to do so.
- After consulting with local law enforcement, the Director shall determine if staff and students should be relocated to an alternative safe site.
- If danger is over, the Director will notify staff, students and guests of the termination of the emergency and to resume normal operations.

If an evacuation occurs, students, guests and staff must be evacuated to a safe distance outside of school building(s).

Institute team member responsibilities:

- Check classrooms, offices and work area for suspicious items and report any findings to the Director. If a suspicious item is found-DO NOT TOUCH IT. Secure the area where the item is located.
- Account for students and be prepared to evacuate if ordered.
- Evacuate using standard procedures and exit routes to assembly area. Open classroom windows and leave classroom doors open when exiting. Take roll after being evacuated. Be prepared to report the names of any missing persons to school administration.
- Keep students together at the assembly area until given further instructions. Be prepared to go to off-site relocation if ordered.
- If given the "All Clear" signal, return to the building and resume normal operations.

**Fire Response Procedure.** The Institute has a policy and procedures governing fire drills and conducts fire drills as required by law. All staff are trained on how to respond in the event of a fire.

Any staff discovering fire or smoke will activate the fire alarm, and report the fire to the Director, or call 911 if conditions require and/or injured are in need of medical assistance. Staff, students and visitors will immediately evacuate the building using prescribed routes or alternate routes to the assembly areas.

No one may re-enter building(s) until it is declared safe by the fire department.

Once the fire department arrives, it is critical to follow the instructions of, and cooperate with, the fire department personnel who have jurisdiction at the scene.

The Director will call or direct staff to call 911 to confirm the alarm is active, identify the Institute name and location, provide exact location of the fire or smoke, if any staff or students are injured, and state the building is being evacuated. The Director will ensure that staff, students and visitors immediately evacuate the building using prescribed routes or alternate routes due to building debris to the assembly areas. Assembly areas may need to be relocated because of the building collapse or unsafe areas from the fire. The Director will designate staff to obtain student roll from instructors and identify any missing students.

The Director will not allow staff, students or guests to return to the building until the fire department with jurisdiction over the scene has determined that it is safe to do so and given the "All Clear".

Institute team member responsibilities:

- Take the class roster and first-aid kit and any other supplies or resources relevant to the incident and lead students as quickly and quietly as possible out of the building to the designated assembly area.
- Use alternate escape routes if the regular route is blocked or there is a safety hazard.
- Assist or designate others to assist students with functional needs.
- Close the classroom door and turn out the lights upon exiting and confirm all students and personnel are out of the classroom.
- Take attendance at the assembly area. Report any missing students or staff members and/or any injuries to the Director or the emergency response personnel at the scene.
- Keep class together and wait for further instructions.
- Remain in safe area until the "All Clear" signal has been issued.
- No one may re-enter building(s) until it is declared safe by the fire department.

**Medical Emergency Procedure.** These procedures are in place to assist staff, students and guests in the event of a medical emergency.

The Institute's staff should:

- Quickly assess the situation. Make sure the situation is safe for you to approach (i.e., live electric wires, gas leak, building damage, etc.).
- Immediately notify the Director.
- Assess the seriousness of the injury or illness.
- Call or have someone call 9-1-1 immediately. Be prepared to provide the school name and address, exact location (floor, room number); describe illness or type of injury; and age of the victim(s).
- Protect yourself against contact with body fluids (blood borne pathogens).
- Administer appropriate first-aid according to your level of training until help arrives.
- Comfort and reassure the injured person. Do Not Move an injured person unless the scene is unsafe.

The Director will direct staff to call 9-1-1, if necessary, and provide appropriate information to emergency responders. The Director will send school staff with first responder/ first-aid training to the scene if this has not already occurred. The Director will assign a staff member to meet emergency medical service responders and lead them to the injured person, and assign a staff member to remain with the injured person if they are transported to the hospital. If the injured person is a member of Institute personnel or a student, the Director will notify parent, guardian, or other appropriate family member of the situation, include type of injury or illness, medical care given and location where the injured person has been transported. The Director will ensure that student or staff medical information from administrative records is sent to the hospital. The Director will develop and maintain written documentation of the incident.

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

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

## L. Alcohol and Substance Abuse Education

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

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

Local mental health and substance abuse services are available at:

- The University of North Carolina Medical Center – 101 Manning Drive, Chapel Hill, NC 27514 - Phone: 919-966-4131
- Alcoholics Anonymous (AA): <http://www.aanorthcarolina.org/meetings.asp>
- North Carolina Division of Mental Health, Developmental Disabilities, and Substance Abuse Services [www.ncdhhs.gov/mhddsas/](http://www.ncdhhs.gov/mhddsas/).

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 Misconduct Policies & Procedures

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

The Institute's Sexual Misconduct Policy is part of this Annual Security Report. It describes the Institute's programs to prevent sexual misconduct, and the procedures that the Institute will follow once an incident of sexual misconduct has been reported. This Policy is disseminated widely to the Institute community through publications, the Institute website, new employee orientations, student orientations, and other appropriate channels of communication. Copies of the Policy can be obtained from the Director of Education, by calling the Professional Development office at 919.960.4769, or downloading from the Institute's website at [www.nurturavedainstitutes.com/chapel-hill-consumer-information/](http://www.nurturavedainstitutes.com/chapel-hill-consumer-information/). The Institute provides training to key staff members to enable the Institute to handle any allegations of sexual misconduct promptly and effectively. The Institute will respond quickly to all reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

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

## N. Sexual Offender Registration

In accordance to the Campus Sex Crimes Prevention Act of 2000, the Clery Act, and the Family Rights and Privacy Act of 1974, the Institute is providing information for where students and employees may obtain information regarding registered sex offenders. The North Carolina Sex Offenders Registry may be found at <http://sexoffender.ncsbi.gov>. 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.

## AVEDA INSTITUTE CHAPEL HILL CAMPUS CRIME STATISTICS

Offense	On Campus			Non Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	1
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	3
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	1	0	0	0	0	0
Motor Vehicle Theft	0	0	0	2	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
Domestic Violence	0	0	0	1	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	1	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	1
Drug Law Arrests Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0

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

# AVEDA INSTITUTE CHAPEL HILL CAMPUS SEXUAL MISCONDUCT POLICIES & PROCEDURES

## 1. Introduction

The Aveda Institute Chapel Hill (the “Institute”) is committed to providing a working and educational environment for all students, faculty and staff that is free from sex discrimination, including sexual misconduct. Every member of the Institute community should be aware that the Institute is strongly opposed to sexual misconduct, and that such behavior is prohibited by state and federal laws.

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

## 2. Scope of the Policy

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

## 3. Prohibited Conduct

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

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

## 4. Options for Assistance Following an Incident of Sexual Misconduct

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

### **Reporting Incidents of Sexual Misconduct.**

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

When a student or employee reports to the school that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the school will provide the student or employee a written explanation of the student's or employee's rights and options.

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

### **Support Services Available.**

Counseling, advocacy and support services are available for victims of sexual misconduct, whether or not a victim chooses to make an official report or participate in the Institute's disciplinary or criminal process. The Institute will provide written notification about assistance available for victims, both within the Institute and in the community. *The Aveda Institute Chapel Hill does not provide counseling or health care services. Personal counseling offered by the Institute will be limited to initial crisis assessment and referral.*

Sexual misconduct crisis and counseling options are available through a number of agencies located throughout the Chapel Hill and Triangle communities, including:

- The University of North Carolina Medical Center – 101 Manning Drive, Chapel Hill, NC 27514 - Phone: 919-966-4131
- Orange County Rape Crisis Center 24-hour Crisis Line: 919-967-7273 or 1-866-935-4783, 1506 East Franklin St. Suite 302, Chapel Hill, NC 27514.
- Durham Crisis Response Center, Durham, NC: 919-403-6562
- Interact, Raleigh, NC: Hotline 866-291-0855 Phone 919-823-3005

The Institute's Title IX Coordinator will work with all students affected by sexual misconduct to ensure their safety and support their well-being. This assistance may include providing accommodations to support or protect a student after an incident of sexual misconduct and while an investigation or disciplinary proceeding is pending. Such accommodations may include

the ability to alter class schedules, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring). The Institute may be able to provide additional interim measures to victims while an investigation is pending, such as no contact orders and changing the alleged perpetrator's class schedule. The Institute will provide written notification to victims about options for academic or protective measures.

### **Evidence Preservation**

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

## **5. Title IX Coordinator**

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

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

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

Ms. Jill Sharpe, Director  
Space 200-B, 201 S. Estes Dr. Chapel Hill, NC 27514  
phone 919-948-2800  
email: [jsharpe@avedainstitutechapelhill.com](mailto:jsharpe@avedainstitutechapelhill.com)

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

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

### **Reporting to the Institute**

An incident of sexual misconduct may be reported directly to the Institute's Title IX Coordinator. If the Institute's Title IX Coordinator is the alleged perpetrator of the sexual misconduct, the report should be submitted to the Institute's President. Reports may also be submitted via email at [studentsupport@avedainstitutechapelhill.com](mailto:studentsupport@avedainstitutechapelhill.com). Filing a report with an Institute official will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

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

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

### **Reporting to Law Enforcement**

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

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests;
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam); and
- 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 Aveda Institute. Our goal is to provide students with a safe environment in which to learn and to keep students, parents, and employees well informed about campus security. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or Clery Act, requires institutions of higher education to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sexual misconduct under this Policy.

Each year the Institute prepares this report to comply with the Clery Act. The full text of this report can be located on the Institute's web site at <http://nurturavedainstitutes.com/chapel-hill-consumer-information/>. This report is prepared in cooperation with the local law enforcement agencies around our campus. Each year notification is made to all enrolled students and employees that provides the web site to access this report. Copies of the report may also be obtained in person from the Director of Education or by calling 919.960.4769 ex. 2800. All prospective employees may obtain a copy from the Director of Education or by contacting the Human Resources Coordinator at 513.576.9333.

### **Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the Director of Education constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be disseminated to staff and students through announcements in campus facilities, cell phone messages, e-mail, school website, social media and/or flyers to ensure that the entire campus is likely to receive the warning. The timely warning will include information that promotes safety and tips to prevent similar crimes, allowing the campus community to take appropriate precautions. The timely warning will also include the time, location, and type of crime reported. Anyone with information warranting a timely warning should report the circumstances to the Director of Education by phone at 919.960.4769 ex. 2800 or in person at the Institute.

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

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

### **No Retaliation**

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

### **Coordination With Drug Free School Policy**

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

## 7. Institute Policy on Confidentiality

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

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

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

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

A victim who at first requests confidentiality may later decide to file a complaint with the 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 victim's confidentiality vis-à-vis the Institute, they may have reporting or other obligations under state law.

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

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

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

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

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

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

The following employees are the Institute's responsible employees:

President, Patrick Thompson, email: [pthompson@nurturaveda.com](mailto:pthompson@nurturaveda.com)  
Director of Education, Jill Sharpe, email: [jsharp@avedainstitutechapelhill.com](mailto:jsharp@avedainstitutechapelhill.com)  
Senior Compliance Manager, Jennifer Lambert, email: [jlambert@nurturaveda.com](mailto:jlambert@nurturaveda.com)  
Professional Development Manager, Renee Mireles, email: [rmierles@avedainstitutechapelhill.com](mailto:rmierles@avedainstitutechapelhill.com)  
Professional Development Counselor & Financial Aid Coordinator, Kristen Dunnagan, email: [kdunnagan@avedainstitutechapelhill.com](mailto:kdunnagan@avedainstitutechapelhill.com)  
Financial Aid Coordinator, Rebecca Thiele, email: [rthiele@avedainstitutechapelhill.com](mailto:rthiele@avedainstitutechapelhill.com)  
Admissions Manager, Lauren Wagner, email: [lwagner@avedainstitutechapelhill.com](mailto:lwagner@avedainstitutechapelhill.com)  
Senior Financial Aid Manager, Brent Prenger, email: [bprenger@nurturaveda.com](mailto:bprenger@nurturaveda.com)  
Sales and Marketing Manager, Annie Bishop, email: [abishop@avedainstitutechapelhill.com](mailto:abishop@avedainstitutechapelhill.com)  
Operations Manager, Lindsay Friskey, email: [lfriskey@avedainstitutechapelhill.com](mailto:lfriskey@avedainstitutechapelhill.com)  
Education Manager, Cheryl Unangst, email: [cunangst@avedainstitutechapelhill.com](mailto:cunangst@avedainstitutechapelhill.com)

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

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

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

### **Reporting to Title IX Coordinator**

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

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

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

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

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

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

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

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

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

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

The presence of one or more of these factors could lead the Institute to investigate and, if

appropriate, pursue disciplinary action. If none of these factors is present, the Institute will likely respect the victim's request for confidentiality.

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

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

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

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

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

## **Miscellaneous**

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

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

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

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

### **Notice of Investigation**

The Human Resources Coordinator will inform the complainant before starting an investigation. The complainant may request that an investigation not be undertaken. The Human Resources Coordinator will consider such a request in light of the Institute's commitment to provide a safe and non-discriminatory environment for all students. If the Human Resources 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 Human Resources Coordinator will also notify the respondent in writing, including that the complainant asked the Institute not to investigate.

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

If an investigation proceeds, the Institute 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 Human Resources Coordinator to review the Policy and these Procedures.

### **Investigation Process**

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

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

### **Investigation Report**

The Human Resources Coordinator 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 that will be 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. The Title IX Coordinator will supervise this review and ensure that

reasonable time is afforded for review prior to the hearing.

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.

### **Time Frame for Investigation**

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

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

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

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

### **Voluntary Resolution**

Voluntary resolution, when selected by the complainant and deemed appropriate by the Title IX Coordinator, is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preference of the complainant and the

safety and welfare of the Institute community. Voluntary resolution is not appropriate for all forms of conduct under the Policy.

The Institute retains the discretion to determine, when selected by the complainant, which cases are appropriate for voluntary resolution. If a complainant requests voluntary resolution, and the Title IX Coordinator concludes that voluntary resolution is appropriate, then the Title IX Coordinator will take appropriate action by imposing remedies designed to maximize the complainant's access to all employment, educational, and extracurricular opportunities and benefits at the Institute and to eliminate a potential hostile environment. A complainant may request and decide to pursue voluntary resolution at any time. In those cases in which the voluntary resolution involves either the notification to or participation by the respondent, it is the respondent's decision whether to accept voluntary resolution.

Voluntary resolution may include: conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; facilitating a meeting with the respondent with the complainant present (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. In some forms of voluntary resolution, the remedies imposed will focus on supporting the complainant with no participation or involvement by the respondent. In other forms of voluntary resolution, the respondent may agree to participate. Depending on the type of remedy used, it may be possible for a complainant to maintain anonymity.

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

The Institute will not compel a complainant 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 voluntary resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation and adjudication at any time, including if voluntary resolution is unsuccessful at resolving the report. Similarly, a complainant can request to end an investigation and pursue voluntary resolution at any time.

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

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

### **Hearing Panel**

If requested by either complainant or respondent following the distribution of the investigative report, the Institute will convene a hearing panel following the end of the investigation. The hearing panel determines whether the respondent is responsible or not responsible for a

violation of the Policy. If the respondent is determined to be responsible, the matter proceeds to the sanctions stage.

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

### **Advisors**

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

### **Written Submissions**

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

### **Hearing Procedures**

The Title IX Coordinator will, whenever possible, give the complainant and respondent at least five days' advance notice of the hearing. The Title IX Coordinator will arrange to hold the hearing at an off-campus location. The hearing is a closed proceeding, meaning that no one other than the panel members, the complainant and respondent, their respective advisors, witnesses (when called), and necessary Institute personnel may be present during the proceeding. The Professional Development Office will work with Institute staff so that any student whose presence is required may participate in the hearing.

In general, hearings will proceed as follows:

- The Title IX Coordinator may set reasonable time limits for any part of the hearing. Each of the complainant and respondent will have the opportunity to present witnesses and

other information consistent with the Policy and these Procedures. The panel may determine the relevance of, place restrictions on, or exclude any witnesses or information. When the complainant and respondent are not able to be present for the hearing panel, arrangements will be made for participation via alternate means.

- In cases where either the complainant or respondent opts not to participate in the hearing, the panel may still hear from the other.
- Additional hearing rules include:
  - Questioning. Only the panel may ask questions of the complainant and respondent and any witnesses. Both the complainant and respondent will have the opportunity to suggest questions of the other and of witnesses by submitting suggested questions to the panel in writing. The panel may revise or not ask any or all submitted questions.
  - Information Regarding Romantic or Sexual History. The panel will not consider the romantic or sexual history of either the complainant or respondent in cases involving allegations of sexual misconduct, except for testimony offered by one or the other about the complainant's and respondent's shared sexual history that the panel deems relevant. If such information is offered by the complainant or respondent, the other has the right to respond. The existence of a prior consensual dating or sexual relationship between the complainant and respondent by itself does not support an inference of consent to alleged sexual misconduct.
  - Prior Conduct Violations. The hearing panel will not consider the respondent's prior conduct violations, unless the Human Resources Coordinator provided that information to the hearing panel because the respondent was previously found to be responsible, and the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.

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

### **Panel Determinations/Standard of Proof**

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

The parties will be informed of the results of the adjudication hearing by simultaneous written notice to both parties of the outcome of the complaint. As set forth in Section 11, below, both parties shall have the option to appeal the hearing panel's determination.

## 10. Sanctions and Other Remedies

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

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

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

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

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

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

In addition to any other sanction (except where the sanction is expulsion), the Institute 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 misconduct violation at issue. The Institute may also recommend counseling or other support services for the student.

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

- Providing an escort for the complainant
- Changing the complainant's academic schedule

- Allowing the complainant to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class

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

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

## **11. 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 President of the Institute. 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 President of the Institute 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 Institute are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside the Institute without the

student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances.

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

Additional information about FERPA can be found on the Institute's website at <http://nurturavedainstitutes.com/chapel-hill-consumer-information/>.

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

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

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

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

#### **Definitions of Sexual Misconduct under North Carolina 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.

The North Carolina General Statutes provide the following definitions with respect to rape and other sex offenses:

**N.C. Gen. Stat. § 14-27.21. First-degree forcible rape.**

(a) A person is guilty of first-degree forcible rape if the person engages in vaginal intercourse with another person by force and against the will of the other person, and does any of the following:

- (1) Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon.
- (2) Inflicts serious personal injury upon the victim or another person.

(3) The person commits the offense aided and abetted by one or more other persons.

**N. C. Gen. Stat. § 14-27.22. Second-degree forcible rape.**

(a) A person is guilty of second-degree forcible rape if the person engages in vaginal intercourse with another person:

- (1) By force and against the will of the other person; or
- (2) Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know the other person is mentally disabled, mentally incapacitated, or physically helpless.

**N.C. Gen. Stat. § 14-27.26. First-degree forcible sexual offense.**

(a) A person is guilty of a first degree forcible sexual offense if the person engages in a sexual act with another person by force and against the will of the other person, and does any of the following:

- (1) Employs or displays a dangerous or deadly weapon or an article which the other person reasonably believes to be a dangerous or deadly weapon.
- (2) Inflicts serious personal injury upon the victim or another person.
- (3) The person commits the offense aided and abetted by one or more other persons.

**N.C. Gen. Stat. § 14-27.27. Second-degree forcible sexual offense.**

(a) A person is guilty of second degree forcible sexual offense if the person engages in a sexual act with another person:

- (1) By force and against the will of the other person; or
- (2) Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

North Carolina does not define **consent**. As shown above, the concept of “force” and “against the will of the other person” are used in the statute, but these terms are also not defined.

**N.C. Gen. Stat. § 14-27.33. Sexual battery.**

(a) A person is guilty of sexual battery if the person, for the purpose of sexual arousal, sexual gratification, or sexual abuse, engages in sexual contact with another person:

- (1) By force and against the will of the other person; or
- (2) Who is mentally disabled, mentally incapacitated, or physically helpless, and the person performing the act knows or should reasonably know that the other person is mentally disabled, mentally incapacitated, or physically helpless.

The North Carolina General Statutes provide the following definitions with respect to Stalking:

**N.C. Gen. Stat. § 14-196.3. Cyberstalking.**

\* \* \*

(b) It is unlawful for a person to:

- (1) Use in electronic mail or electronic communication any words or language threatening to inflict bodily harm to any person or to that person's child, sibling, spouse, or dependent, or physical injury to the property of any person, or for the purpose of extorting money or other things of value from any person.
- (2) Electronically mail or electronically communicate to another repeatedly, whether or not conversation ensues, for the purpose of abusing, annoying, threatening, terrifying, harassing, or embarrassing any person.
- (3) Electronically mail or electronically communicate to another and to knowingly make any false statement concerning death, injury, illness, disfigurement, indecent conduct, or criminal conduct of the person electronically mailed or of any member of the person's family or household with the intent to abuse, annoy, threaten, terrify, harass, or embarrass.

(4) Knowingly permit an electronic communication device under the person's control to be used for any purpose prohibited by this section.

(5) Knowingly install, place, or use an electronic tracking device without consent, or cause an electronic tracking device to be installed, placed, or used without consent, to track the location of any person. \* \* \*

(c) Any offense under this section committed by the use of electronic mail or electronic communication may be deemed to have been committed where the electronic mail or electronic communication was originally sent, originally received in this State, or first viewed by any person in this State.

**N.C. Gen. Stat. § 14-277.3A. Stalking.**

(a) Legislative Intent. – The General Assembly finds that stalking is a serious problem in this State and nationwide. Stalking involves severe intrusions on the victim's personal privacy and autonomy. It is a crime that causes a long-lasting impact on the victim's quality of life and creates risks to the security and safety of the victim and others, even in the absence of express threats of physical harm. Stalking conduct often becomes increasingly violent over time.

The General Assembly recognizes the dangerous nature of stalking as well as the strong connections between stalking and domestic violence and between stalking and sexual assault. Therefore, the General Assembly enacts this law to encourage effective intervention by the criminal justice system before stalking escalates into behavior that has serious or lethal consequences. The General Assembly intends to enact a stalking statute that permits the criminal justice system to hold stalkers accountable for a wide range of acts, communications, and conduct. The General Assembly recognizes that stalking includes, but is not limited to, a pattern of following, observing, or monitoring the victim, or committing violent or intimidating acts against the victim, regardless of the means.

(b) Definitions. – The following definitions apply in this section:

- (1) Course of conduct. – 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, is in the presence of, or follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- (2) Harasses or harassment. – Knowing conduct, including written or printed communication or transmission, telephone, cellular, or other wireless telephonic communication, facsimile transmission, pager messages or transmissions, answering machine or voice mail messages or transmissions, and electronic mail messages or other computerized or electronic transmissions directed at a specific person that torments, terrorizes, or terrifies that person and that serves no legitimate purpose.
- (3) Reasonable person. – A reasonable person in the victim's circumstances.
- (4) Substantial emotional distress. – Significant mental suffering or distress that may, but does not necessarily,

require medical or other professional treatment or counseling.

(c) Offense. – A defendant is guilty of stalking if the defendant willfully on more than one occasion harasses another person without legal purpose or willfully engages in a course of conduct directed at a specific person without legal purpose and the defendant knows or should know that the harassment or the course of conduct would cause a reasonable person to do any of the following:

- (1) Fear for the person's safety or the safety of the person's immediate family or close personal associates.
- (2) Suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment.

The North Carolina General Statutes provide the following definitions with respect to Domestic Violence:

**N.C. Gen. Stat. § 50B-1. Domestic violence; definition.**

(a) Domestic violence means the commission of one or more of the following acts upon an aggrieved party or upon a minor child residing with or in the custody of the aggrieved party by a person with whom the aggrieved party has or has had a personal relationship, but does not include acts of self-defense:

- (1) Attempting to cause bodily injury, or intentionally causing bodily injury; or
- (2) Placing the aggrieved party or a member of the aggrieved party's family or household in fear of imminent serious bodily injury or continued harassment \*\*\* that

risers to such a level as to inflict substantial emotional distress;

\*\*\*

(b) For purposes of this section, the term "personal relationship" means a relationship wherein the parties involved:

- (1) Are current or former spouses;
- (2) Are persons of opposite sex who live together or have lived together;
- (3) Are related as parents and children, including others acting in loco parentis to a minor child, or as grandparents and grandchildren. For purposes of this subdivision, an aggrieved party may not obtain an order of protection against a child or grandchild under the age of 16;
- (4) Have a child in common;
- (5) Are current or former household members;
- (6) Are persons of the opposite sex who are in a dating relationship or have been in a dating relationship. For purposes of this subdivision, a dating relationship is one wherein the parties are romantically involved over time and on a continuous basis during the course of the relationship. A casual acquaintance or ordinary fraternization between persons in a business or social context is not a dating relationship.

"Dating Violence" is not explicitly defined in North Carolina state's code. However, as described above, N.C. Gen. Stat. § 50B-1 Domestic Violence laws include a definition of persons who are in or have been in a dating relationship.

Please refer to the Definition of Key terms for the definition of Dating Violence for purposes of this Policy.

## Bystander Intervention

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

- **Assess for safety.** Ensure that all parties are safe, and whether the situation requires calling authorities. When deciding to intervene, your personal safety should be the #1 priority. When in doubt, call for help.
- **Be with others.** If it is safe to intervene, you are likely to have a greater influence on the parties involved when you work together with someone or several people. Your safety is increased when you stay with a group of friends that you know well.

- **Care for the person.** Ask if the target of the unwanted sexual advance/attention/behavior is okay – does he or she need medical care? Ask if someone they trust can help them get safely home.  
*Information on Bystander Intervention was provided by the Department of Defense Sexual Assault Prevention and Response Office from: [www.sapr.mil](http://www.sapr.mil)*

## **Risk Reduction**

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

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

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don’t know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn’t the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab 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 Institute may amend the Policy or the Procedures from time to time. Nothing in the Policy or Procedures shall affect the inherent authority of the Institute to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the Institute community.

# Aveda Institute Chapel Hill

## Sexual Misconduct Policy

### Definitions of Key Terms

- Sexual Harassment - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment, (ii) submission to or rejection of such conduct by an individual is used as the basis for education or employment decisions affecting such individuals, or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's school or work performance or creating an intimidating, hostile, or offensive educational or working environment.
  - Hostile Environment Caused By Sexual Harassment - refers to a situation where students and/or employees are subject to a pattern of exposure to unwanted sexual behavior that is so severe, persistent, or pervasive that it alters the conditions of education, employment, or participation in a School program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, does not amount to a hostile environment caused by sexual harassment.
  - Quid Pro Quo Harassment – refers to a situation where students and/or employees are subject to unwanted sexual behavior where submission or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education, employment, or participation in a School program or activity.
- Sexual Assault - is any unwanted physical contact of a sexual nature that occurs either without the consent of each participant or when a participant is unable to give consent freely. Sexual assault can occur either forcibly and/or against a person's will, or when a person is unable to give consent freely. Non-consensual sexual intercourse is any form of sexual intercourse (vaginal, anal or oral) with any object without consent. Non-consensual sexual contact is any intentional sexual touching, however slight, with any object without a person's consent.
- Domestic Violence - A felony or misdemeanor crime of violence committed (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition dating

violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

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

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

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

# **AVEDA INSTITUTE CHAPEL HILL DRUG FREE SCHOOL POLICY**

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

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

- Use illegal drugs or misuse prescription drugs;
- Misuse alcohol;
- Possess, trade, manufacture, distribute, dispense, buy or offer for sale alcohol, illegal and/or prescription drugs while on duty, during break periods, or on school property;
- Arrive or return to school intoxicated from use of illegal drugs, misused prescription drugs or alcohol;
- Engage in the use of illegal drugs, misuse of prescription drugs or alcohol during school hours or while on school property (including parking lots);
- Use prescription drugs or non-prescription drugs that may affect the safety of the student or fellow students, and members of the public;
- Have tampered or attempted to alter or attempt to interfere with the testing procedure; or
- Otherwise has refused to be tested.

For the purpose of this Policy, a student is presumed to be under the influence of drugs and/or alcohol if a urine test, blood test or other scientifically acceptable testing procedures shows a forensically acceptable positive quantum of proof of drugs and/or alcohol usage.

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 an Institute Director before providing services under such medication.

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

## **Drug & Alcohol Testing**

### **Reasonable Suspicion Testing:**

Reasonable suspicion testing will occur when an Instructor or an Institute Director has reason to suspect that a student may be in violation of this Policy. The suspicion must be documented in writing within 24 hours of the event or prior to the release of the test findings. Reasonable suspicion testing may be based upon, among other things:

- Observed behavior, such as direct observation of drug/alcohol use or possession and/or the physical symptoms of drug and/or alcohol use;
- A pattern of abnormal conduct or erratic behavior;
- Arrest or conviction for a drug-related offense, or the identification of a student as the focus of a criminal investigation into illegal drug possession, use, or trafficking. The student is responsible for notification of the Aveda Institute Chapel Hill within five (5) business days, of any drug-related conviction;
- Information provided either by reliable and credible sources or independently corroborated regarding a student's substance use; or
- Newly discovered evidence that the student has tampered with a previous drug or alcohol test.

Reasonable suspicion testing does not require certainty, but mere “hunches” are not sufficient to justify testing. To prevent this, all instructors will be trained in the recognition of drug and alcohol-related signs and symptoms. Testing may be for drugs or alcohol or both.

#### **Reasonable Search:**

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

#### **Student Assistance:**

The Aveda Institute Chapel Hill holds all students accountable in terms of substance use but also supports getting help for students. Students who come forward voluntarily to identify that they have a substance problem will not be reprimanded. It is important for the student to come to an understanding regarding the extent of the problem in order to correct the problem and be able to avoid future usage in violation of the Institute’s Policy. This is required in order to correct the problem and be able to avoid violating the Institute’s Policy in the future. If the student is willing to actively engage in resolving the substance use problem, the Institute will refer the student to a Substance Abuse Professional for an assessment and possible outpatient counseling at the student’s expense. 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.

#### **Specimen Collection, Testing, and Results:**

Testing shall be conducted by a trained collection person, who meets quality assurance and chain-of-custody requirements. A student who tests positive will be given an opportunity to explain the findings to the testing professional reviewing the test results. If it is proven the substances are medically necessary to the standards of the testing professional, the test result will be negative. A failure on the part of the student to provide such evidence will result in the issuance of a positive report.

All records of drug/alcohol testing will be stored separately and apart from the student’s general files. These records shall be maintained under lock and key at all times. Access is limited to designated officials. Those designated officials that shall have access to these records are charged with the responsibility of maintaining the confidentiality of these records.

#### **Disciplinary Action:**

Violation of this Policy will result in the student’s immediate termination. The student’s file will list the reason for termination as “a Major Standard Violation” as that term is defined in the Institute’s Student Handbook. 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 Aveda Institute Chapel Hill. Treatment and follow-up testing will be at the expense of the student. The Aveda Institute Chapel Hill 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 Handbook.

**Confidentiality:**

All information, interviews, reports, statement memoranda and drug test results, written or otherwise, received by the Aveda Institute Chapel Hill as part of this drug testing program are confidential communications. Unless authorized by state laws, rules or regulations, the Institute will not release such information without a written consent form signed voluntarily by the person tested. Information on drug testing results will not be released unless such information or records are compelled by a court or a professional or occupational licensing board.

**School Flexibility:**

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