ART22 ACADEMY

CAMPUS CRIME REPORT

SEXUAL MISCONDUCT POLICY
&
PROCEDURES FOR RESPONDING TO SEXUAL MISCONDUCT

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ART22 ACADEMY
CAMPUS SEXUAL MISCONDUCT POLICIES

1. Introduction

Art22 Academy 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 school is strongly opposed to sexual misconduct, and that such behavior is prohibited by state and federal laws.

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

2. Scope of the Policy

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

3. Prohibited Conduct

Sexual 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 and 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 School 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 School 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 Sheriff Department, as applicable. Victims may also file a report with the school's Title IX Coordinator. More information about reporting an incident of sexual misconduct can be found in Section 6 of this Policy, below.

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

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

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

National Resources:

National Sexual Assault Hotline - 800-656-4673
National Domestic Violence Hotline - 800-799-7233

Local Resources:

Sexual Assault Treatment Center: 260-423-2222
Rape Crisis Hotline: 260-426-RAPE (7273)

Homeless Shelters
Ave Marie House: 260-424-3355
Just Neighbors Family Center: 260-458-9772
Ft Wayne Rescue Ministries: 260-426-7357
Phoebe House Ministries: 260-222-1986
St. Joseph Missions: 260-426-7358
Interfaith Hospitality Network: 260-458-9772
Volunteers of America The Richard Luger Safe Haven (Veterans): 260-387-5295
Volunteers of America Liberty Landing (Veterans): 260-755-6154

The Title IX Coordinator will work with all students affected by sexual misconduct to ensure their safety and support their wellbeing. This assistance may include providing accommodations to support or protect a student after an incident of sexual 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 School 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.

5. Title IX Coordinator

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

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

- Responsible for overseeing training, prevention, and education efforts and annual reviews of climate and culture.

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

Gabe Fernandez
2440 Getz Road Fort Wayne, IN 46804
Phone: (260) 715-4990
Email: gabeffernandez@gmail.com

6. Reporting Policies and Protocols

The School strongly encourages all members of the school 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 school and/or to law enforcement.

Reporting to the School

An incident of sexual misconduct may be reported directly to the Title IX Coordinator. If the Title IX Coordinator is the alleged perpetrator of the sexual misconduct, the report should be submitted to the School's Instructor. Filing a report with a school 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 School 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 School will respond to all reports in a manner that treats each individual with dignity and respect and will take prompt responsive action to end any 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 School will assist the complainant in contacting law enforcement. If the complainant decides to pursue the criminal process, the school will cooperate with law enforcement agencies to the extent permitted by law. A complainant has the option to decide whether or not to participate in any investigation conducted by law enforcement. Filing a police report will:

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

Reporting of Crimes & Annual Security Reports

Campus safety and security are important issues at the School. 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 School prepares this report to comply with the Clery Act. The full text of this report can be located on the school's web site at www.art22academy.com

This report is prepared in cooperation with the local law enforcement agencies around our campus. Each year notification is made to all enrolled students and employees that provides the web site to access this report. Copies of the report may also be obtained in person from the Director or by calling (260) 715-4990. All prospective employees may obtain a copy from the Director.

Timely Warnings
In the event that a situation arises, either on or off campus, that, in the judgment of the Director constitutes an ongoing or continuing threat, a campus wide "timely warning" will be issued. The warning will be issued through the most effective and efficient means available and may include instant messaging to students and School employees. Notices may also be posted in the common areas throughout the school. Anyone with information warranting a timely warning should report the circumstances to the Director by phone at (260) 715-4990 or in person at the school.

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

Coordination With Drug Free School Policy
Students may be reluctant to report instances of sexual misconduct because they fear being disciplined pursuant to the School's alcohol or drug policies. The School 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 school's alcohol and drug policies. This means that, whenever possible, the School will respond educationally rather than punitively to student alcohol or drug policy violations associated with reported sexual misconduct.

7. School Policy on Confidentiality

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

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual misconduct. The School 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 School 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 School, they may have reporting or other obligations under state law.

ALSO NOTE: If the School determines that the alleged perpetrator(s) pose a serious and immediate threat to the school community, the Director 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 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 School to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

To the extent possible, information reported to the Title IX Coordinator will be shared only with people responsible for handling the school's response to the report. The Title IX Coordinator should not share information with law enforcement without the 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 School will consider the request, but cannot guarantee that the school will be able to honor it.

The Title IX Coordinator will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the School 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: How the School 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 School must weigh that request against the school's obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If the School honors the request for confidentiality, a victim must understand that the school'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 School 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 School 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 School to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the school will likely respect the victim's request for confidentiality.

If the School determines that it cannot maintain a victim's confidentiality, the school will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the school's response. The School will remain ever mindful of the 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 school employees, will not be tolerated. The School 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 School may not require a victim to participate in any investigation or disciplinary proceeding.

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

If the School determines that it can respect a victim's request for confidentiality, the school 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 School of sexual misconduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts.

Off-campus Counselors and Advocates. Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the School

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

Notice of Investigation

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

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

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

Investigation Process

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

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

Investigation Report

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

The investigator will note that the accuser may not necessarily be the victim and a simultaneous notification, in writing, to both the accuser and the accused, will be provided of any of the following:

- institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking
- The school's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available
- Any change to the result
- When such results become final

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.

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

Where necessary, the School will take immediate steps to protect complainants pending the final outcome of an investigation, including academic accommodations and other 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 School's ability to investigate a particular matter. The school 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 School'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 School community. Voluntary resolution is not appropriate for all forms of conduct under the Policy.

The School 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 school 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 School community. Restorative models will be used only with the consent of both parties, and following a determination by the Title IX Coordinator that the matter is appropriate for a restorative approach.

The School will not compel a complainant 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 School will seek to complete the process within 15 days of the complainant's request.

9. Grievance/Adjudication Procedures

Hearing Panel

If voluntary resolution is not available, the School 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 School. 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.

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 School personnel may be present during the proceeding. The Director will work with school 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 investigator 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 School 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.

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 School'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 School community; and (7) the respondent's conduct during the disciplinary process.

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

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

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

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

Whatever the outcome of the hearing process, a complainant may request ongoing or additional 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 School may also determine that additional measures are appropriate to respond to the effects of the incident on the school community. Additional responses for the benefit of the School community may include:

- Increased monitoring, supervision, or security at locations or activities where the misconduct occurred
- Additional training and educational materials for students and employees
- Revision of the School'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 School. 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 School 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 10 days after the receipt of the written appeal. All appeal decisions are final.

12. Records Disclosure

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

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

Additional information about FERPA can be found on the School's website www.art22academy.com.

13. Education and Prevention Programs 34 CFR 668.46(j)(1)

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

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

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

The Title IX Coordinator, hearing panel members, and anyone else who is involved in responding to, investigating, or adjudicating sexual 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 the State Law

Definitions of Sexual Harassment under Indiana Law

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

IC 35-42-4-1 Rape. Sec. 1. (a) Except as provided in subsection (b), a person who knowingly or intentionally has sexual intercourse with another person or knowingly or intentionally causes another person to perform or submit to other sexual conduct (as defined in IC 35-31.5-2-221.5) when: (1) the other person is compelled by force or imminent threat of force; (2) the other person is unaware that the sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) is occurring; or (3) the other person is so mentally disabled or deficient that consent to sexual intercourse or other sexual conduct (as defined in IC 35-31.5-2-221.5) cannot be given; commits rape, a Level 3 felony. (b) An offense described in subsection (a) is a Level 1 felony if: (1) it is committed by using or threatening the use of deadly force; (2) it is committed while armed with a deadly weapon; (3) it results in serious bodily injury to a person other than a defendant; or (4) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

* * *

IC 35-42-4-8. Sexual battery. Sec. 8. (a) A person who, with intent to arouse or satisfy the person's own sexual desires or the sexual desires of another person: (1) touches another person when that person is: (A) compelled to submit to the touching by force or the imminent threat of force; or (B) so mentally disabled or deficient that consent to the touching cannot be given; or (2) touches another person's genitals, pubic area, buttocks, or female breast when that person is unaware that the touching is occurring; commits sexual battery, a Level 6 felony. (b) An offense described in subsection (a) is a Level 4 felony if: (1) it is committed by using or threatening the use of deadly force; (2) it is committed while armed with a deadly weapon; or (3) the commission of the offense is facilitated by furnishing the victim, without the victim's knowledge, with a drug (as defined in IC 16-42-19-2(1)) or a controlled substance (as defined in IC 35-48-1-9) or knowing that the victim was furnished with the drug or controlled substance without the victim's knowledge.

The Indiana Code provides the following definitions with respect to stalking:
IC 35-45-10-1. "Stalk" defined. Sec. 1. As used in this chapter, "stalk" means a knowing or an intentional course of conduct involving repeated or continuing harassment of another person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened and that actually causes the victim to feel terrorized, frightened, intimidated, or threatened. The term does not include statutorily or constitutionally protected activity.

IC 35-45-10-2. "Harassment" defined. Sec. 2. As used in this chapter, “harassment” means conduct directed toward a victim that includes but is not limited to repeated or continuing impermissible contact that would cause a reasonable person to suffer emotional distress and that actually causes the victim to suffer emotional distress. Harassment does not include statutorily or constitutionally protected activity, such as lawful picketing pursuant to labor disputes or lawful employer-related activities pursuant to labor disputes.

IC 35-45-10-3. "Impermissible contact" defined. Sec.
3. (a) As used in this chapter, “impermissible contact” includes the following: (1) Following or pursuing the victim. (2) Communicating with the victim in person, in writing, by telephone, by telegraph, or through electronic means. (3) Posting on social media, if the post: (A) is directed to the victim; or (B) refers to the victim, directly or indirectly. (b) The list in subsection
(a) is nonexclusive.

IC 35-45-10-4. "Victim" defined. Sec. 4. As used in this chapter, "victim" means a person who is the object of stalking.

IC 35-45-10-5. Criminal stalking. Sec. 5. (a) A person who stalks another person commits stalking, a Level 6 felony. (b) The offense is a Level 5 felony if at least one (1) of the following applies: (1) A person: (A) stalks a victim; and (B) makes an explicit or an implicit threat with the intent to place the victim in reasonable fear of: (i) sexual battery (as defined in IC 35-42-4-8);
(ii) serious bodily injury; or (iii) death. (2) A protective order to prevent domestic or family violence, a no contact order , or other judicial order under any of the following statutes has been issued by the court to protect the same victim or victims from the person and the person has been given actual notice of the order: (A) IC 31-15 and IC 34-26-5 or IC 31-1-11.5 before its repeal (dissolution of marriage and legal separation). (B) IC 31-34, IC 31-37, or IC 31-6-4 before its repeal (delinquent children and children in need of services). (C) IC 31-32 or IC 31-6-7 before its repeal (procedure in juvenile court). (D) IC 34-26-5 or IC 34-26-2 and IC 34-4-5.1 before their repeal (protective order to prevent abuse). (E) IC 34-26-6 (workplace violence restraining orders). (3) The person's stalking of another person violates an order issued as a condition of pretrial release, including release on bail or personal recognizance, or pretrial diversion if the person has been given actual notice of the order. (4) The person's stalking of another person violates a no contact order issued as a condition of probation if the person has been given actual notice of the order. (5) The person's stalking of another person violates a protective order issued under IC 31- 14-16-1 and IC 34-26-5 in a paternity action if the person has been given actual notice of the order. (6) The person's stalking of another person violates an order issued in another state that is substantially similar to an order described in subdivisions (2) through (5) if the person has been given actual notice of the order. (7) The person's stalking of another person violates an order that is substantially similar to an order described in subdivisions (2) through (5) and is issued by an Indian: (A) tribe; (B) band; (C) pueblo;
(D) nation; or (E) organized group or community, including an Alaska Native village or regional or village corporation as defined in or established under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.); that is recognized as eligible for the special programs and services provided by the United States to Indians because of their special status as Indians if the person has been given actual notice of the order. (8) A criminal complaint of stalking that concerns an act by the person against the same victim or victims is pending in a court and the person has been given actual notice of the complaint. (c) The offense is a Level 4 felony if: (1) the act or acts were committed while the person was armed with a deadly weapon; or (2) the person has an unrelated conviction for an offense under this section against the same victim or victims.

* * *

The Indiana Code provides the following definitions with respect to Domestic Battery:

IC 35-42-2-1.3 Domestic battery. Sec. 1.3. (a) Except as provided in subsections (b) through (f), a person who knowingly or intentionally: (1) touches a family or household member in a rude, insolent, or angry manner; or (2) in a rude, insolent, or angry manner places any bodily fluid or waste on a family or household member; commits domestic battery, a Class A misdemeanor. (b) The offense under subsection (a)(1) or (a)(2) is a Level 6 felony if one (1) or more of the following apply: (1) The person who committed the offense has a previous, unrelated conviction: (A) for a battery offense included in this chapter; or (B) for a strangulation offense under IC
35-42-2-9. (2) The person who committed the offense is at least eighteen (18) years of age and committed the offense against a family or household member in the physical presence of a child less than sixteen (16) years of age, knowing that the child was present and might be able to see or hear the offense. (3) The offense results in moderate bodily injury to a family or household member. (4) The offense is committed against a family or household member who is less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age. (5) The offense is committed against a family or household member of any age who has a mental or physical disability and is committed

by a person having the care of the family or household member with the mental or physical disability, whether the care is assumed voluntarily or because of a legal obligation.
(6) The offense is committed against a family or household member who is an endangered adult (as defined in IC 12-10-3-2). (c) The offense described in subsection (a)(1) or (a)(2) is a Level 5 felony if one (1) or more of the following apply: (1) The offense results in serious bodily injury to a family or household member. (2) The offense is committed with a deadly weapon against a family or household member. (3) The offense results in bodily injury to a pregnant family or household member if the person knew of the pregnancy. (4) The person has a previous conviction for a battery offense included in this chapter against the same family or household member. (5) The offense results in bodily injury to one (1) or more of the following: (A) A family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age. (B) A family or household member who has a mental or physical disability if the offense is committed by an individual having care of the family or household member with the disability, regardless of whether the care is assumed voluntarily or because of a legal obligation. (C) A family or household member who is an endangered adult (as defined in IC 12-10-3- 2). (d) The offense described in subsection (a)(1) or (a)(2) is a Level 4 felony if it results in serious bodily injury to a family or household member who is an endangered adult (as defined in IC 12-10-3-2). (e) The offense described in subsection (a)(1) or (a)(2) is a Level 3 felony if it results in serious bodily injury to a family or household member who is less than fourteen
(14) years of age if the offense is committed by a person at least eighteen (18) years of age. (f) The offense described in subsection (a)(1) or (a)(2) is a Level 2 felony if it results in the death of one (1) or more of the following: (1) A family or household member who is less than fourteen (14) years of age if the offense is committed by a person at least eighteen (18) years of age. (2) A family or household member who is an endangered adult (as defined in IC 12-10-3- 2).

The Indiana Code does not define "Dating Violence."

Adam Walsh Child Protection and Safety Act is a federal statute that was signed into law by U.S. President George W. Bush on July 27, 2006. The Walsh Act organizes sex offenders into three tiers according to the crime committed, and mandates that Tier 3 offenders (the most serious tier) update their whereabouts every three months with lifetime registration requirements. Tier 2 offenders must update their whereabouts every six months with 25 years of registration, and Tier 1 offenders must update their whereabouts every year with 15 years of registration. Failure to register and update information is a felony under the law. States are required to publicly disclose information of Tier 2 and Tier 3 offenders, at minimum. It also contains civil commitment provisions for sexually dangerous people.

The Act also creates a national sex offender registry and instructs each state and territory to apply identical criteria for posting offender data on the internet (i.e., offender's name, address, date of birth, place of employment, photograph, etc.).[3] The Act was named after Adam Walsh, an American boy who was abducted from a Florida shopping mall and later found murdered.

As of April 2014, the Justice Department reports that 17 states, three territories and 63 tribes had substantially implemented requirements of the Adam Walsh Act.

Bystander Intervention

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

- **A**ssess 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.
- **B**e 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.
- **C**are 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

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

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

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

14. Amendments

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

Definitions of Key Terms

- Sexual Harassment - means conduct on the basis of sex that satisfies one or more of the following:
  1) An employee of the School conditioning the provision of an aid, benefit, or service of the School on an individual's participation in unwelcome sexual conduct;
  2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the School's education programs or activities; or
  3) "Sexual assault," "dating violence," "domestic violence," or "stalking" as defined herein.

- Sexual Assault - An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Unified Crime Reporting ("UCR") program.
  - Rape - The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

- Sex Offenses - Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.
    - Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
    - Incest—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
    - Statutory Rape—Sexual intercourse with a person who is under the statutory age of consent.

- Domestic Violence - A felony or misdemeanor crime of violence committed (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

- Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

- "Education program or activity" includes locations, events, or circumstances over which the School exercises substantial control over both the respondent and the context in which the sexual harassment occurs. It includes all of the academic, educational, extra-curricular, and other programs of the School, whether they take place in the facilities of the School, at a class or training program sponsored by the School at another location, or elsewhere. An instructor's alleged sexual harassment of a student would likely constitute sexual harassment in the School's education programs or activities even if the alleged harassment occurs off campus. The School's education programs and activities may also include computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of, the School.

- Prohibited Conduct – The School prohibits Sexual Assault, Sexual Harassment, Dating Violence, Domestic Violence, and Stalking as defined in these Definitions of Key Terms.

- 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 – The School shall not, and no individual shall, intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX and/or this Policy. The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation; provided, however, that a determination regarding responsibility alone is not sufficient to conclude that any party made a materially false statement in bad faith.

- Consent is a voluntary agreement to engage in sexual activity. o 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 an individual who is alleged to be the victim of conduct that could constitute sexual harassment.

- Respondent – means an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

CAMPUS SAFETY AND SECURITY DISCLOSURE

Campus Security Act Information Disclosure - Under the Crime Awareness Campus Security Act of 1990 (Title II of Public Law 101-542), which amended the Higher Education Act of 1965 HEA. This act required all postsecondary institutions participating in HEA's Title IV student financial assistance programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998 and 2000. The 1998 amendments renamed the law the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act in memory of a student who was slain in her dorm room in 1986. It is generally referred to as the Clery Act. On Aug. 14, 2008, the Higher Education Opportunity Act or HEOA (Public Law 110-315) reauthorized and expanded the Higher Education Act of 1965, as amended. HEOA amended the Clery Act and created additional safety- and security-related requirements for institutions.

The Art22 Academy is committed to providing safety to all of its students, faculty, and staff. If a crime

happens to the student or the student's property or if there is an emergency occurring on campus, report the incident to an educator, director or owner immediately. That individual will assist the student or guest in reporting the crime to the local police or other appropriate security force.

The Art22 Academy will provide students, faculty, and staff with an annual security report from the previous calendar year by October 1st of the following year. Statistics will be gathered from the local police and compiled in the annual report.

The report will show the number of incidents on campus, including The School parking lot and adjacent streets. At any time, statistics can be accessed from The School Financial Aid Office.

Although The School does not employ security officers, The Art22 Academy has a working relationship with the local police who are able to support and provide services promptly in the event of an incident. We encourage accurate and prompt reporting of all crimes to the local police.

The facilities are open Tuesday through Saturday according to assigned class/salon area schedules. The building may also be open for educational classes for licensed professionals in cosmetology or to groups securing the use of the facilities through the owner. Only educators and owners have keys to the building thus preventing internal crimes to as great an extent as possible.

We encourage students and employees to be responsible for their own security and the security of others.

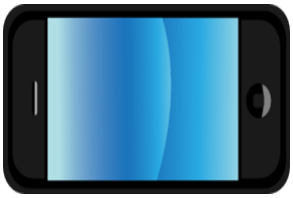
The Art22 Academy does not provide any programs on campus regarding security or prevention of crimes. If students wish to learn more about personal security or prevention of crimes, contact the local Police Department.

• The Art22 Academy does not have any off-campus locations and therefore all monitoring and recording of any criminal activity is conducted on campus and the surrounding accessible areas. (See Campus Geography)

Timely Warning

In addition to the required annual campus security report, The Art22 Academy will provide a timely warning to students of any occurrences of the following crimes that are reported to local police agencies and are considered to represent a serious or continuing threat to students and employees. As soon as the school becomes aware of the crimes, students and employees will be notified via SMS notification.

- These crimes include: Murder/Non-negligent manslaughter, manslaughter by negligence, rape, fondling, incest, statutory rape, robbery, burglary, aggravated assault, simple assault, intimidation, vandalism, motor vehicle theft, larceny-theft, arson, hate crimes including crimes involving bodily injury reported to local police agencies that show evidence of prejudice based on race, religion, sexual orientation, gender, gender identity, ethnicity, national origin or disability, arrests for violations of liquor and drug abuse violations, and illegal weapons possession, and persons not arrested but referred for disciplinary action for liquor, drug, and weapons law violations. Other reported statistics include Domestic Violence, Dating Violence and Stalking.



If a student wishes to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics, contact Vincent Gerwer.

Emergency Decision Team Procedures

The responsible members of the EDT consist of:
1) Dierctor – Fernando Alexi Fernandez
2) School Owner – Gabe Fernandez

Emergency Notification

Immediate notification of an unforeseen combination of circumstances that calls for immediate action. Emergency Notification will be in written form, posted on the front and back door of The School as well as distributed by SMS to staff members and students.

The verbal/written communication will include:
1) Type of emergency
2) Steps to be taken for the emergency situation

Emergency Response Procedures

At the time of an urgent unanticipated event, staff members will assess the situation to determine the significance of an emergency. In the event of an emergency, staff and students will be notified by either verbal communication (for students currently in the building), or written communication/ SMS (for students not in attendance) to notify them of the particular situation. A count for all staff, students and guests will be taken as soon as reasonably possible to ensure all are accounted for at the time of the emergency. Without delay, all students will receive notification of the emergency by written communication in the form of a text message from the **Emergency Decision Team.**

Emergency procedures will be **tested twice a year.** Owners and staff will evaluate the testing results and implement improvements needed to secure the safety of all concerned.

Emergency Procedures Due to Criminal or Terrorists Threats:

Upon receipt of information pertaining to a threat during business hours, the person receiving the information should notify a staff member of the impending or occurring emergency. The staff member will respond to the immediate situation when necessary and will contact civil authorities to determine appropriate action which may include evacuation of entire campus for a length of time to be determined based on the situation at hand. If necessary, The School will post on outside doors the time class will resume. In the event that staff, students and guest would be safer inside the building the EDT will direct everyone to an internal room in the school.

Tornado Warning

When a tornado warning is issued:
• A tornado has actually been sighted
• Or has been indicated by radar
• Public warning will come over the radio.

Tornado Warning Procedure

- DO NOT leave the building
- Move away from the perimeter and exterior of the building
- Report to the **Reception Area.** The EDT will direct those in need of shelter to the **School class room** marked by the **Tornado Safety Area** sign.
- Take shelter under tables, if possible.
- Go to the center of the room.

- Sit down and cover your head.
- Make every effort to remain calm and encourage those around you to do likewise.
- Remain in the shelter location until instructed to return to your previous activities.
- A tornado safety map may be found in the student lounge and near the front desk

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

In A Fire Emergency
• If you smell smoke or see fire, report it immediately to an educator. A warning will then be given over the intercom system. Do not panic. Proceed as follows:

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

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

- An educator will then take count. After going through the client roll call twice, clients may leave if necessary.
- Students are not to leave the area unless given the okay by a member of the EDT.

Reporting Crimes

- If a student reports a crime, a member of the EDT is to first, take necessary actions to immediately address the situation. If immediate action is not necessary, record all details involving the crime then report to financial aid office. The crime then must be reported to the Police Department and recorded in the crime log (located in the financial aid office).
- Any crime involving a bias must be recorded as such under hate crimes.
- If a student wishes to report a crime confidentially direct the student to financial aid office.
- The School is committed to providing a working and educational environment for all students, faculty and staff that is free from sex discrimination, including sexual misconduct. Every member of the school community should be aware that the School is strongly opposed to sexual misconduct, and that such behavior is prohibited by state and federal laws.
- The School's Sexual Misconduct Policy describes the school's programs to prevent sexual misconduct, and the procedures that the school will follow once an incident of sexual misconduct has been reported. This Policy is disseminated widely to the School community through publications, the school website, new employee orientations, student orientations, and other appropriate channels of communication. Copies of the Policy can be obtained from the Director on-site or by calling (260) 715-4990, or from the school's website at www.art22academy.com. The School provides training to key staff members to enable the school to handle any allegations of sexual misconduct promptly and effectively. The School will respond quickly to all reports of sexual misconduct, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.
- The School's Sexual Misconduct Policy governs sexual misconduct involving students that occurs on any school property or in connection with any School-sponsored program or event.

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

In case of serious accident or illness:

·Call 9-1-1

• Do not move sick or injured person(s).

• Be careful to avoid personal contact with any body fluids such as blood, vomit, or saliva.

• Stay with the victim and reassure her/him that help is on the way.

Power Failure:

• Remain calm

·Do not move

• Await instructions from staff personnel.

• If instructed to evacuate, use designated emergency exits ONLY.

Off-Campus Resources:

- Immediate Help (Fire, Police, Rescue Squad) - 9-1-1
- Fire Department - 9-1-1

Hospitals:

Lutheran Hospital: 260-435-7001

Lutheran Downtown Hospital: 260-425-3000

Parkview Hospital Randallia: 260-373-4000

Parkview North: 260-266-1000

Dupont Hospital: 260-416-3000

24 Hour Emergency Assistance

Fort Wayne Police Crisis Intervention Team: 911

Parkview Behavioral Health: 260-425-3606

Maple Heights Behavioral Health: 317-762-8212

Park Center: 260-481-2700

National Runaway Switchboard:

800-RUNAWAY (786-2929)

Suicide Crisis Center: 800 SUICIDE (784-2422) Or TTY: 800-799-4TTY (4889)

Law Enforcement:

Fort Wayne Police Department SW Division: 260-427-1419

Fort Wayne Police Department Emergency: 911

Fort Wayne Police Department HQ:

260-427-1222

Indiana State Police: 260-432-8661

Allen County Sheriff's Department:

260-449-7535
FBI Indianapolis: 317-595-4000
FBI Muncie: 765-282-1905

Women Shelters:

Charis House: 260-426-8123
Victory House for Women: 260-557-6183
A Mother's Hope: 260-444-4975
Vincent House: 260-456-4172

Homeless Shelters:

Ave Marie House: 260-424-3355
Just Neighbors Family Center: 260-458-9772
Ft Wayne Rescue Ministries: 260-426-7357
Phoebe House Ministries: 260-222-1986
St. Joseph Missions: 260-426-7358
Interfaith Hospitality Network: 260-458-9772
Volunteers of America The Richard Luger Safe Haven (Veterans): 260-387-5295
Volunteers of America Liberty Landing (Veterans): 260-755-6154

Domestic Violence Resources:

Center for Nonviolence: 260-456-4112
Police Victims Assistance: 260-427-1205
Project Safe Place Allen County: 260-466-7077
Child Abuse Hotline: 260-449-7138
Family Connections: 260-426-9999
Scan Inc.: 260-421-5000
Indiana Department of Child Services:
260-458-6100
Youth Service Bureau: 260-449-7511
Bonnie's House: 800-441-4073
YWCA Northeast Indiana Crisis line:
800-441-4073

Sexual Assault:

Sexual Assault Treatment Center: 260-423-2222
Rape Crisis Hotline: 260-426-RAPE (7273)

Drug and Alcohol Addictions Support:

Alcoholics Anonymous: 260-471-6262
Avenues Recovery Center: 260-909-8343
Center for Behavioral Health: 260-420-6010
Fort Wayne Recovery: 833-762-3739
CleanSlate Outpatient Addiction Medicine:
260-267-9498
Groups Recover Together: 812-200-2789
Allendale Detox & Treatment: 260-888-3989
Bowen Recovery Center: 866-239-6053
Applegate Recovery: 260-267-5159

The Thirteen Step House Inc: 260-424-2341
DAC Allen County Drug & Alcohol Consortium: 260-422-8412
Shepherd's House: 260-424-2500
Hope Alive Inc: 260-420-6100
Narcotics Anonymous: 260-460-4626

Addictions Support:

Alliance for Eating Disorders: 866-662-1235
Gamblers Anonymous: 855-222-5542
Overeaters Anonymous: 260-460-4958
Tobacco Quitline: 800-QUIT-NOW (784-8669)

Legal Victim/Witness Assistance:

Indiana Legal Services: 260-424-9155
Volunteer Lawyer Program: 260-407-0917

Family Support:

CANI: 800-589-2264 or 260-423-3546
Family and Children's Services: 260-744-4326

Suicide Survivors Support:

Erin's House for Grieving Children: 260-423-2466
We the Living (Suicide Survivors): 260-387-6934

Medical Clinics:

IPFW Center for Healthy Living: 260-481-5748
Lafayette Street Family Health Clinic: 260-744-3000
Matthew 25 Health and Dental Clinic: 260-426-3250
Neighborhood Health Clinic: 260-458-2641
Planned Parenthood: 260-423-1322

Counseling Services:

Catholic Charities: 260-422-5625
IPFW Community Counseling Center: 260-481-5405
Lutheran Social Services: 260-426-3347
Northeastern Center (Angola): 260-665-9494
Northeastern Center (Auburn): 260-925-2453
Northeastern Center (Kendallville): 260-347-2453
Northeastern Center (Lagrange): 260-463-7144

The following is the Crime Report log for Art22 Academy campus located at 2440 Getz Road Fort Wayne, IN 46804

Hate Crimes: 2021; 2022; 2023: There were no reported Hate Crimes for the year.

Unfounded Crimes: 2021; 2022; 2023: There were no reported Unfounded Crimes for the year.

Crime Log Report	2021			2022			2023		
Offense	On-Campus	Non-campus Property	Public Property	On-Campus	Non-campus Property	Public Property	On-Campus	Non-campus Property	Public Property
Criminal homicide	0	0	0	0	0	0	0	0	0
Murder/ Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	a
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Sex Offenses Forcible	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Sex Offenses Non-Force	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0

Arrests & Disciplinary Referrals	2021			2022			2023		
Action	On-Campus	Non-Campus Property	Public Property	On-Campus	Non-Campus Property	Public Property	On-Campus	Non-Campus Property	Public Property
Arrests: Illegal Weapons: Carrying Possessing, Etc	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Illegal Weapons Carrying,	0	0	0	0	0	0	0	0	0
Arrests: Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Discipline Referrals: Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Arrests: Liquor Law Violations	0	0	0	0	0	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	0	0	0	0	0	0	0	0	0

VAWA Offenses	2021			2022			2023		
Action	On-Campus	Non-Campus Property	Public Property	On-Campus	Non-Campus Property	Public Property	On-Campus	Non-Campus Property	Public Property
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Hate Crimes Offenses	2021			2022			2023		
Action	On-Campus	Non-Campus Property	Public Property	On-Campus	Non-Campus Property	Public Property	On-Campus	Non-Campus Property	Public Property
Larceny Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/damage/vandalism of property	0	0	0	0	0	0	0	0	0

Below is a picture of our Campus



Crime Definitions

The definitions listed below are taken from the Federal Bureau of Investigation's Uniform Crime Reporting Handbook, and are used to classify the criminal offenses listed in the statistics

Criminal Homicide-- Murder and non-negligent manslaughter: The willful (non-negligent) killing of one human being by another.

Criminal Homicide-negligent manslaughter: The killing of another person through gross negligence. Forcible Sex Offenses: Any sexual act directed against another person, forcibly and/or against the person's will; or not forcibly or against the person's will, where the victim is incapable of giving consent. Reported sexual offenses may include forcible rape, forcible sodomy, sexual assault with an object and forcible fondling.

Non-Forcible Sex Offenses: Unlawful, non-forcible sexual intercourse. Reported offense may include incest and statutory rape.

Robbery: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or making the victim fearful.

Aggravated Assault/Battery: An unlawful attack by one person upon another for the purpose of inflicting severe or substantial bodily injury. This type of assault may be accompanied by the use of a weapon or other means likely to produce death or great bodily harm.

Simple Assault/Battery: All assaults and attempted assaults which are not of an aggravated nature and do not result in serious injury to the victim.

Burglary: The unlawful entry of a structure to commit a felony or theft. Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.
Destruction, Damage Or Vandalism To Property: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

Arson: Any willful or malicious burning or attempting to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, aircraft, personal property of another, etc.

Liquor Law Violation: The violation of laws or ordinances prohibiting manufacturing, selling, transporting, furnishing, or possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned.

Drug Law Violation: Violation of state and local laws relating to unlawfully possessing, selling, using, growing, manufacturing and making narcotic drugs.

Weapon Law Violation: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: the manufacturing, sale or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

Hate Crimes: Any of the crimes listed here which manifest evidence of prejudice based on race, religion, sexual orientation, ethnicity, disability and gender.

Larceny-Theft: The unlawful taking and carrying away of someone else's personal property with the intent to deprive the possessor of it permanently.

Intimidation: Coercing or inhibiting through the use of fear.

Simple Assault Battery: All assaults and attempted assaults which are not of an aggravated nature and do not result in serious injury to the victim.

Burglary: The unlawful entry of a structure to commit a felony or theft. Motor Vehicle Theft: The theft or attempted theft of a motor vehicle.

Destruction, Damage Or Vandalism To Property: To willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.

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Hate Crimes: Any of the crimes listed here which manifest evidence of prejudice based on race, religion, sexual orientation, ethnicity, disability and gender.

Larceny-Theft: The unlawful taking and carrying away of someone else's personal property with the intent to deprive the possessor of it permanently. Intimidation: Coercing or inhibiting through the use of fear.

Physical Abuse: Hitting, slapping, shoving, grabbing, pinching, biting, hair pulling, etc. are types of physical abuse. This type of abuse also includes denying a partner medical care or forcing alcohol and/or drug use upon him or her.

Sexual Abuse: Coercing or attempting to coerce any sexual contact or behavior without consent. Sexual abuse includes, but is certainly not limited to, marital rape, attacks on sexual parts of the body, forcing sex after physical violence has occurred, or treating one in a sexually demeaning manner.

Emotional Abuse: Undermining an individual's sense of self-worth and/or self-esteem is abusive. This may

include, but is not limited to constant criticism, diminishing one's abilities, name-calling, or damaging one's relationship with his or her children.

Economic Abuse: Is defined as making or attempting to make an individual financially dependent by maintaining total control over financial resources, withholding one's access to money, or forbidding one's attendance at School or employment.

Psychological Abuse: Elements of psychological abuse include - but are not limited to - causing fear by intimidation; threatening physical harm to self, partner, children, or partner's family or friends; destruction of pets and property; and forcing isolation from family, friends, or School and/or work.

REPORT TO ED VIA THE WEB BASED COLLECTION

The School submits crime statistics from the annual security report to ED via an annual Web-based data collection. The School does not have more than one institution, does not have on-campus student housing and therefore does not report fire statistics or missing student notification procedure.

MISSING STUDENT NOTIFICATION PROCEDURE

The School does not have campus housing. Therefore, we do not have a missing student notification procedure.

Crime and Punishment – Alcohol and Drug Offenses in the State of Indiana

Misdemeanors (M) are punishable by imprisonment in county jail for not more than one year and/or a fine not exceeding $5,000 unless a different amount is specified for the offense.
Felonies (F) are punishable by imprisonment in the state corrections system for no less than 180 days but up to forty years and/or a fine not exceeding $10,000 unless a different amount is specified for the offense. Punishments vary based on the Penalty and the Classification of Felony.

Student Responsibility

Students are required to acknowledge the school Drug and Alcohol Abuse Policy by signing our Student Drug and Alcohol Policy Student Agreement at the beginning of their program. By signing, students pledge not to violate the school Drug and Alcohol Abuse Policy.

By Law:

Student Conduct: Alcohol and Drug Use

A student shall be prohibited from using or being under the influence of intoxicating beverages in classroom buildings, laboratories, auditoriums, faculty and administrative offices, and all other public campus areas. With the prior consent of the President or President's designee, the provisions herein may be waived with respect to any specific event that is sponsored by the school. State law shall be strictly enforced at all times on all property controlled by the school in regard to the possession and consumption of alcoholic beverages.

Controlled Substances

No student shall possess, use, transmit, or attempt to possess, use, or transmit, or be under the influence of, any of the following substances on College District premises or off premises at a College District-sponsored activity, function, or event:

1. Any controlled substance or dangerous drug as defined by law, including but not limited to marijuana, any narcotic drug, hallucinogen, stimulant, depressant, amphetamine, or barbiturate.
2. Any abuse on glue, aerosol paint, or any other volatile chemical substance for inhalation.

3. Any designer drugs.
4. Any other intoxicant or mood-changing, mind-altering, or behavior-altering drug.

The transmittal, sale, or attempted sale of what is represented to be any of the above-listed substances shall also be prohibited under this policy.

Exception

A student who uses a drug authorized by a licensed physician through a prescription specifically for that student's use shall not be considered to have violated this rule.

Violation

Students who violate this policy shall be subject to appropriate disciplinary action. Such disciplinary action may include referral to drug and alcohol counseling or rehabilitation programs or student assistance programs, suspension, expulsion, and referral to appropriate law enforcement officials for prosecution.

Notice

Each student taking one or more classes for any type of academic credit except for continuing education units shall be given a copy of the school's policy prohibiting the unlawful possession, use, or distribution of illicit drugs and alcohol, a description of the applicable legal sanctions under local, state, or federal law, and a description of the health risks associated with the use of illicit drugs and the abuse of alcohol.

Drug and Alcohol Abuse Programs

Notwithstanding any other provision of law, no institution of higher education, including a college district, shall be eligible to receive funds or any other form of financial assistance under any federal program, including participation in any federally funded or guaranteed student loan program, unless the institution certifies to the U.S. Secretary of Education that the institution has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees that, at a minimum, includes:

1. The annual distribution to each student at every orientation class and/or 1st day of employment the following:
    a. Standards of conduct that clearly prohibit, at a minimum, the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on the institution's property or as part of any of the institution's activities;
    b. A description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
    c. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
    d. A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and
    e. A clear statement that the institution will impose sanctions on students and employees (consistent with local, state, and federal law), and a description of those sanctions, up to and including expulsion or termination of employment and referral for prosecution, for violations of the standards of conduct required above.
2. A biennial review by the institution of the institution's program to:

a. Determine the program's effectiveness and implement changes to the program if the changes are needed;

b. Determine the number of drug- and alcohol-related violations and fatalities that occur on the institution's campus, as defined in 20 U.S.C. 1092(f)(6), or as part of any of the institution's activities; and are reported to campus officials;

c. Determine the number and type of sanctions described in 20 U.S.C. 1011i(a)(1)(E) that are imposed by the institution as a result of drug- and alcohol-related violations and fatalities on the institution's campus or as part of any of the institution's activities; and

d. Ensure that the sanctions required by 20 U.S.C. 1011i(a)(1)(E) are consistently enforced.

20 U.S.C. 1011i(a); 34 C.F.R. 86.100

It is the sense of Congress that, in an effort to change the culture of alcohol consumption on college campuses, all institutions of higher education, should carry out the following:

1. The president of the institution should appoint a task force consisting of school administrators, faculty, representatives, and others to conduct a full examination of student and academic life at the institution. The task force should make recommendations for a broad range of policy and program changes that would serve to reduce alcohol and other drug-related problems. The institution should provide resources to assist the task force in promoting the campus policies and proposed environmental changes that have been identified.
2. The institution should enforce a “zero tolerance” policy on the illegal consumption of alcohol by students at the institution.
3. The institution should vigorously enforce the institution's code of disciplinary sanctions for those who violate campus alcohol policies. Students with alcohol or other drug-related problems should be referred for assistance.
4. It should adopt policies restricting the advertisement and promotion of alcoholic beverages on campus.
5. The institution should work with the local community, including local businesses, in a “Town/Gown” alliance to encourage responsible policies toward alcohol consumption and to address illegal alcohol use by students.

20 U.S.C. 1011h

34 CFR 86 Drug and Alcohol Abuse Prevention

Alcohol Effects

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgement and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol can lead to dependence. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms, including severe anxiety, tremors, hallucinations, and convulsions. Alcohol withdrawal can be life-threatening. Long-term consumption of large quantities of alcohol, particularly when combined with poor nutrition, can also lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at greater risk than other youngsters of becoming alcoholics.