



**CORTIVA
INSTITUTE**

Campus Crime & Safety Manual



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Table of Contents

Introduction	3
Security of Campus Building/Geographic Location	4
General Workplace Safety	5-6
Slips, Trips and Falls	5
Lifting	5
Ladders & Stepladders	5-6
Electrical Safety	6
Hazardous Materials	6
Hazard Communication	6
Accidents and Sickness	6
Emergency Response Plan	7-10
Emergency Response and Evacuation Procedures	7
Bomb Threat Procedures	7
Active Shooter Event	8
Severe Winter Weather/Hurricane/Tornado	9
Fire Precautions/Drills	9
Drug-Free Policy	10
Drug and Alcohol Abuse Prevention	10
Anti-Hazing Policy	10
Reporting and Responding to Criminal Activity	11
Violence Against Women Act/Campus Sexual Violence Elimination Act	12-16
Family Educational Rights and Privacy Act (FERPA)	17
Campus Crime and Safety Training Manual Acknowledgment	18
Fire Safety Drill Log	19
Incident Report	20

Introduction

Cortiva Institute is a private post-secondary institute open to any qualified student. In a manner consistent with all applicable laws and regulations, including Title VI of the Civil Rights Act of 1964, Title IX of the Educational Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA) or other federal, state, or local laws or executive orders, Cortiva Institute, in its hiring, admissions, instruction and graduation policies, practices no discrimination on the basis of race, religion, color, financial status, sex, ethnic origin, age, veteran status, physical challenges or sexual orientation.

The administration of Cortiva Institute values highly the well-being of its students, employees, and visitors, as well as its physical facilities. The ***Campus Crime & Safety Manual*** provides crime and safety information, policies, and procedures to Cortiva Institute students, faculty, and staff in accordance with the ***Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*** or “***the Clery Act***” and amendments made by the ***Violence Against Women Reauthorization Act of 2013 (VAWA)***. This report is intended to provide a safe environment for all that come to the campus for any legitimate reason.

Cortiva Institute Campus Security

The ultimate responsibility for safety and security at Cortiva Institute has been assigned to the Campus Director of the institute. Campus Security Authorities (defined below) report occurrences of criminal offense to the Campus Director. Maintaining a safe environment is a shared responsibility and involves members of the campus community working with the Campus Director. The Campus Director works with local law enforcement officers and the Designated Safety Coordinator to enhance security on the premises of Cortiva Institute. In addition, the Campus Director provides training to Cortiva Institute staff regarding procedures and actions to be taken in the event of an emergency and information regarding crime prevention and crime reporting procedures.

Campus Security Authorities (CSAs)

Campus Security Authorities include any individuals who have responsibility for campus security, as well as those identified by the institute as individuals to whom criminal offenses should be reported. In addition, the law defines Campus Security Authorities as “an official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.”

Reporting Crimes and Incidents

Students, faculty, and staff should report crimes and other emergencies immediately to the Campus Director or a Campus Security Authority. **Copies of all reports must immediately be sent to CorporateCompliance@hi.edu**
The Campus Security Authorities at Cortiva Institute are as follows:

Cortiva Institute:

	Maitland Campus 2600 Lake Lucien Drive, Suite#140 Maitland, FL 32751 Phone: 407-261-0319	St. Petersburg Campus 2370 34 th St. N St. Petersburg, FL 33713 Phone: 727-865-4940	Arlington Campus 808 West I-20 Arlington, TX 76017 Phone: 682-999-3150
King of Prussia Campus 211 South Gulph Road King of Prussia, PA 19406 Phone: 484-690-1400	Cromwell Campus 45 Shunpike Road, Suite #10 Cromwell, CT 06416 Phone: 860-667-1886	Linthicum Heights Campus 517 Progress Drive, Suite A-J Linthicum, MD 21090 Phone: 410-636-7929	

Corporate Office:

Corporate Offices
420 South State Road 7
Hollywood, FL 33023
Phone: 954-962-2624

Security of Campus Building/Geographic Location

The Campus Director ensures access to the building that houses the administrative offices, learning resources center, and classrooms is given to authorized personnel only. All guests and visitors must be cleared by the Campus Director (or designee) before access to the building is given. The institute has no on-campus or campus-owned housing for students.

Cortiva Institute:

Each campus is fully compliant with the Americans with Disability Act (ADA). Cortiva Institute campus facilities are approximately 10,000 and 25,000 square feet, the campuses consist of classrooms, an Academic Resource Center, Student Spa, and administrative offices which include education offices, admissions offices, Financial Aid Services, Career Services and Student Services. The entire campus is WIFI accessible. Classrooms for all programs are multi-purpose lecture and lab which are outfitted with industry standard teaching equipment such as, and not limited to LCD screens and projectors, massage therapy and spa tables, esthetics beds and make up stations. The Academic Resource Center is equipped with computers with internet access, audio/visual equipment, videos, books and magazines that are industry related. A large student lounge has refrigerators, microwave ovens and lunchroom seating. The practical classrooms are furnished with student stations and/or treatment tables for the student to practice and perform the techniques to the public under the direct supervision of a licensed instructor. The resource center provides students and faculty with reference materials including computers, internet access, DVD's, books and periodicals to supplement textbooks and lectures. All equipment used at the school is compatible with industry standards and effectively meets the objectives of the program. There is ample free parking.

- ❖ **Maitland Campus (Main Campus)**
2600 Lake Lucien Drive, Suite #140, Maitland, Florida 32751 *Phone: (407) 261-0319*
- ❖ **St. Petersburg (Main Campus)**
2370 34th St N, St. Petersburg, Florida 33713 *Phone: (727) 865-4940*
- ❖ **Arlington Campus (Branch Campus)**
808 West I-20 Arlington, Texas 76017 *Phone: (682) 999-3150*
- ❖ **King of Prussia (Main Campus)**
211 South Gulph Road, King of Prussia, Pennsylvania 19406 *Phone: (484) 690-1400*
- ❖ **Cromwell (Main Campus)**
45 Shunpike Road Suite #10, Cromwell, Connecticut 06416 *Phone: (860) 667-1886*
- ❖ **Baltimore Campus (Main Campus)**
517 Progress Drive, Suite A-J, Linthicum, Maryland 21090 *Phone: (410) 636-7929*

Handicap Facilities

All location comply with all the provisions of section 504 of the Rehabilitation Act of 1973 in that no qualified handicapped person will be excluded from enrolling in the school. However, handicapped individuals should be aware that the regulations set by the State of Florida require a high level of manual dexterity and prolonged periods of practical work in the clinic.

General Workplace Safety

Preventing Accidents and Managing Workplace Hazards

Whenever possible, safety hazards should be eliminated from the workplace. Hazards may include, but are not limited to, biological, chemical, environmental, physical and other hazards. When hazards cannot be eliminated, they must be mitigated with special training, equipment and procedures, including standard operating procedures (SOPs), safety controls and personal protective equipment (PPE) such as gloves.



Slips, Trips and Falls

Slips, trips and falls are the most frequent injuries on campus. Falls can result in head injuries, back injuries, broken bones, muscle sprains and strains. Many of these incidents occur as the result of unsecured wires and cords, spills or obstacles.

The following are simple ways to reduce your risk of a slip, trip or fall incident:

- ❖ Practice good housekeeping. Keep work areas clean and free of spills or debris. Immediately clean or report spills and debris problems.
- ❖ Be a cautious carrier. Don't carry loads that obstruct your view while walking. Make sure the path is clear.
- ❖ Wear proper footwear. Use footwear that is appropriate for your work tasks and environmental demands.
- ❖ Use stepstools. If you have to reach items on high shelves, use a step stool or stepladder rather than a chair.
- ❖ Take your time. Walk with caution, especially if you anticipate any slip or trip hazards along the way.

Lifting

- ❖ Plan the move before lifting; ensure that you have an unobstructed pathway.
- ❖ Test the weight of the load before lifting by pushing the load along its resting surface.
- ❖ If the load is too heavy or bulky, use lifting and carrying aids such as hand trucks, dollies, pallet jacks and carts, or get assistance from a co-worker.
- ❖ If assistance is required to perform a lift, coordinate and communicate your movements with those of your co-worker.
- ❖ Position your feet 6 to 12 inches apart with one foot slightly in front of the other. Face the load. Bend at the knees, not at the back. Keep your back straight. Get a firm grip on the object using your hands and fingers. Use handles when they are present. Hold the object as close to your body as possible. While keeping the weight of the load in your legs, stand to an erect position. Perform lifting movements smoothly and gradually; do not jerk the load.
- ❖ If you must change direction while lifting or carrying the load, pivot your feet and turn your entire body. Do not twist at the waist.
- ❖ Set down objects in the same manner as you picked them up, except in reverse.
- ❖ Do not lift an object from the floor to a level above your waist in one motion. Set the load down on a table or bench and then adjust your grip before lifting it higher.
- ❖ Never lift anything if your hands are greasy or wet.
- ❖ Wear protective gloves when lifting objects that have sharp corners or jagged edges.

Ladders & Stepladders

- ❖ Read and follow the manufacturer's instructions label affixed to the ladder if you are unsure how to use it.
- ❖ Do not use ladders that have loose rungs, cracked or split side rails, missing rubber foot pads, or are otherwise visibly damaged.
- ❖ Keep ladder rungs clean and free of grease. Remove buildup of material such as dirt or mud.
- ❖ Do not place ladders in a passageway or doorway without posting warning signs or cones that detour pedestrian traffic away from the ladder. Lock the doorway that you are blocking with the ladder and post signs that will detour traffic away from your work.
- ❖ Do not place a ladder at a blind corner or doorway without diverting foot traffic by blocking off the area.
- ❖ Allow only one person on the ladder at a time. Face the ladder when climbing up or down it.
- ❖ Maintain a three-point contact by keeping both hands and one foot or both feet and one hand on the ladder at all times when climbing up or down.
- ❖ When performing work from a ladder, face the ladder and do not lean backward or sideways from the ladder. Do not jump from ladders or step stools.
- ❖ Do not stand on tables, chairs, boxes or other improvised climbing devices to reach high places. Use the ladder or stepstool.
- ❖ Do not stand on a ladder that wobbles, or that leans to the left or right of center.
- ❖ When using a straight or extension ladder, extend the top of the ladder at least 3 feet above the edge of the

landing.

- ❖ Secure the ladder in place by having another employee hold it if it cannot be tied to the structure.
- ❖ Do not place ladders on barrels, boxes, loose bricks, pails, concrete blocks or other unstable bases.
- ❖ Do not carry items in your hands while climbing up or down a ladder.

Electrical Safety

Every employee must take care when working around electricity, which can damage sensitive equipment and cause burns and other injuries. To remain safe when working with electricity, employees must take precautions to use safe equipment under safe conditions:



- ❖ Do not use equipment with faulty insulation, improper grounding, defective parts or loose connections.
- ❖ Avoid working in wet or damp environments.
- ❖ Use only Underwriters Laboratories (UL)-approved electrical equipment.
- ❖ Extension cords are meant for temporary use (30 days or less) and not as permanent installations.
- ❖ Do not overload circuits.
- ❖ Do not daisy chain extension cords and/or plug strips together.

Hazardous Materials

Hazardous materials are substances or materials that because of their chemical, physical or biological nature, pose a potential risk to life, health, or property if they are released. Potential hazards can occur during any state of production, storage, transportation, use, and disposal. When an emergency involves hazardous substances, police, fire or other emergency and/or appropriate officers will alert schools in the area.

Hazard Communication

Hazard communication provides employees with the necessary information about potential health hazards that can result from handling hazardous substances and informs employees of the control measures to mitigate these hazards. Training, hazard identification, hazardous material inventories, material safety data sheets (MSDS) and labeling are all important parts of hazard communication.

Accidents and Sickness

- ❖ **Minor injuries:** First aid kits are located strategically throughout the institute for minor injuries. They contain bandages, tape, antiseptic medicines, aspirin, etc.
- ❖ **Serious/Life-threatening illnesses or injury:** Call for someone to assist you. Have them call 911 while you stay with the patient. If there is no one to assist you, call 911 and immediately return to the patient.



Incident Reports must be filled out and forwarded to the corporate offices immediately following a reported injury

Emergency Response Plan

The Emergency Response Plan of Cortiva Institute is a series of written guidelines and responsibilities designed to specifically outline the course of action taken during a crisis. The development of these plans are for the purpose of implementing policies and procedures related to unforeseen emergencies, disasters or hazards that may have an adverse or detrimental impact on Cortiva Institute.

Key to successful emergency preparation is staffing, planning, system-wide training and exercise, evaluation and appropriate corrections. Key to successful emergency responses is an early and accurate assessment of the nature of the incident in order to make good decisions. Assessment is the evaluation and interpretation of measurements and other information to provide a basis for decision-making. It is incumbent upon all decision-makers to be prepared and be attentive to early notifications.

Emergency Response and Evacuation Procedures

The Campus Director is responsible for notifying the campus community if a significant emergency or dangerous situation is present that is an immediate threat to the health or safety of students or employees on campus. The following emergencies, disasters or hazards have been identified as those in which the campus community will receive an immediate notification of the threat:

- ❖ Fire
- ❖ Gunfire/Armed Assault
- ❖ Barricade/Hostage Situation
- ❖ Bomb Threat/Explosive Devices
- ❖ Hazardous Materials
- ❖ Gang/Cult-Related Violence
- ❖ Acts of Terrorism
- ❖ Outbreak of a Contagious Disease

Students, faculty, and staff will be informed via the page system and/or text alert system with detailed information directing them to a secure location. In determining the content of the notification, the institute will take into consideration the safety of the community. Unless issuing a notification will, in the professional judgment of the Campus Director, compromise efforts to assist a victim or to contain the emergency, the notification will be initiated without delay. The emergency response system will be tested on at least an annual basis. Students, faculty, and staff will be notified via email prior to a scheduled test of the emergency response system.

Bomb Threat Procedures

It is the policy of Cortiva Institute in all bomb threats or explosive device situations to minimize the danger of life and property. *Notification:*

- ❖ Any bomb threats received should be immediately reported to the Campus Director.
- ❖ The Campus Director is the person designated to notify 911.
- ❖ Notify all those present to evacuate the building immediately.
- ❖ All should remain outside the designated perimeter until instructed that it is safe to return to the building.
- ❖ Do not attempt to search the premises yourself. The authorities will do so upon arrival. Follow instructions given by authorities.

Upon receipt of a bomb threat or discovery of a suspected explosive or incendiary device, immediately initiate evacuation procedures. In the case of a bomb threat that is called into the Police Department, orders will be issued characterizing the threat as:

- ❖ Level 1 - "Low Risk Profile"
- ❖ Level 2 - "Medium Risk Profile"
- ❖ Level 3 - "High Risk Profile"

Based upon the characterization of the level of risk, the following actions shall be taken:

- ❖ Level 1- Monitor the building for any suspicious activity. Students and staff are to remain in the building.
- ❖ Level 2- Conduct a "Fire Drill". An administrator shall visually inspect the building for suspicious packages or items.
- ❖ Level 3- Evacuate the building immediately. The Police Department will respond and take control of the situation.

Active Shooter Event

An “active shooter” is an individual who is engaged in killing or attempting to kill people in a confined and populated area; in most cases, active shooters use firearms(s) and there is no pattern or method to their selection of victims.

- Victims are selected at random
- Event is unpredictable and evolves quickly
- Knowing what to do can save lives

You have three options:

1. RUN

- Have an escape route and plan in mind
- Leave your belongings behind
- Evacuate regardless of whether others agree to follow
- Help others escape, if possible
- Do not attempt to move the wounded
- Prevent others from entering an area where the active shooter may be
- Keep your hands visible
- Call 911 when you are safe

2. HIDE

- Hide in an area out of the shooter’s view
- Lock door or block entry to your hiding place
- Silence your cell phone (including vibrate mode) and remain quiet

3. FIGHT

- Fight as a last resort and only when your life is in imminent danger
- Attempt to incapacitate the shooter
- Act with as much physical aggression as possible
- Improvise weapons or throw items at the active shooter
- Commit to your actions . . . your life depends on it

The first officers to arrive on scene will not stop to help the injured. Expect rescue teams to follow initial officers. These rescue teams will treat and remove injured. Once you have reached a safe location, you will likely be held in that area by law enforcement until the situation is under control, and all witnesses have been identified and questioned. Do not leave the area until law enforcement authorities have instructed you to do so.

When law enforcement arrives:

- ❖ Remain calm and follow instructions
- ❖ Drop items in your hands (e.g., bags, jackets)
- ❖ Raise hands and spread fingers
- ❖ Keep hands visible at all times
- ❖ Avoid quick movements toward officers, such as holding on to them for safety
- ❖ Avoid pointing, screaming or yelling
- ❖ Do not ask questions when evacuating

Information to provide to 911 operations:

- ❖ Location of the active shooter
- ❖ Number of shooters
- ❖ Physical description of shooters
- ❖ Number and type of weapons shooter has
- ❖ Number of potential victims at location



Severe Winter Weather

- ❖ **Snow/Ice Storm:** Local weather reports will usually issue severe winter weather warnings prior to snow or ice events. The Campus Director and the Corporate Office will decide whether cancellations and/or delays are necessary. The campus staff will be responsible for contacting all students via text or email. Efforts will be made to contact clinic clients as well. Outgoing voice mail messages will be changed, and the campus director is strongly encouraged to post weather closures on the local radio and television stations. If the campus is in session when a warning is issued, students and campus staff should be sent home to avoid traveling in dangerous conditions. Students and campus staff should be advised to stay in touch with the campus regarding the resumption of classes.

Hurricane/Tornado

- ❖ **Hurricane Threat:** Hurricanes are severe tropical storms that spiral around a calm center known as the eye. Wind speeds range from 74 miles per hour to a high of 220 miles per hour. Hurricanes may be accompanied by other severe storm hazards such as lightning, tornadoes, and flooding.
 - Hurricane Advisory - tells where the storm is located, the intensity of wind speeds, and the direction of movement.
 - Hurricane Watch - is issued for an area when there is a threat of hurricane conditions within 24 to 36 hours.
 - Hurricane Warning - is issued when hurricane conditions are expected in a specific area in 24 hours or less.
- ❖ **Tornado Threat:** Tornadoes are extremely violent localized windstorms. A tornado is characterized by a funnel cloud that reaches to the ground with wind velocities inside the funnel as high as 200 miles per hour. Tornadoes are usually part of a severe thunderstorm and may be accompanied by lightning, high winds, floods, and flash floods from extremely heavy rainfall.
 - Tornado Watch - indicates that conditions are favorable for a tornado to develop and that the sky should be watched.
 - Tornado Warning - indicates a tornado has been sighted or is spotted on radar.

Fire Precautions/Drills

Staff/Students should take particular note of exit signs in each building. Staff/Students should familiarize themselves with the appropriate evacuation route posted for each room. In the event of an emergency:

- Leave the building by the nearest exit in an orderly fashion.
- Stand at a safe distance from the building.
- Do not re-enter the building until directed to do so by administration.



Do not endanger your physical safety or the safety of others in an attempt to protect the physical building or its contents.

Identification of key escape routes

In premises where members of the public or persons unfamiliar with layout of the premises are present there should be means available to identify the key escape routes. They could include schematic drawings and most importantly emergency escape and exit signs.

Campus Directors are responsible for:

- ❖ Fire routine and evacuation drill procedure
- ❖ Ensuring personnel know location of fire alarm points
- ❖ Ensuring regular use of primary and secondary escape routes
- ❖ Places of pre-determined assembly and roll call procedure

Pre-determined assembly points should be arranged and a roll call of staff/students to be taken. The person who is in charge of the assembly point should report all persons accounted for or whose missing and where they were last seen.

Effective fire routine is dependent on regular instruction, training, practice, etc. Regular drills should be carried out using varying escape routes assuming the normal evacuation route is not available.

Fire drills should consider the following points:

- ❖ Regular intervals
- ❖ Records kept
- ❖ **There should be drills completed at least twice a year**, from sounding of alarm to roll call procedure
- ❖ Fire Alarms and Fire Extinguishers should be maintained annually and records kept

Drug-Free Policy

Two federal laws, the Drug-Free Workplace Act of 1988 (P.L. 101690) and the Drug-Free Schools and Communities Act (P.L. 101226), require institutions receiving federal financial assistance to provide a drug-free workplace, and to have a drug-free awareness program and a drug and alcohol abuse prevention program for students and employees. As a matter of policy, Cortiva Institute prohibits the manufacture and unlawful possession, use, sale, or distribution of illicit drugs and alcohol by students and employees on its property and at any school activity. Any violation of these policies will result in appropriate disciplinary actions up to and including expulsion in the case of students and termination in the case of employees, even for a first offense. Violations of the law will also be referred to the appropriate law enforcement authorities. Students or employees may also be referred to abuse help centers. If such a referral is made, continued enrollment or employment will be subject to successful completion of any prescribed counseling or treatment program. Information on the school's drug-free awareness program and drug and alcohol prevention program may be obtained from the Campus Director's office.

Drug and Alcohol Abuse Prevention

Research has shown that abuse of alcohol and drugs is a national public health concern. More than 43% of college students report some heavy episodic drinking and thousands of students annually experience problems related to their alcohol use, including unintentional injuries, risky sexual behaviors, sexual assault, fights, and traffic crashes. (Alcohol Policies on College Campuses, Journal of American College Health, Vol 53 (4), Jan/Feb 2005).

Below please find drug alcohol counseling, treatment and rehabilitation programs available to students and employees:

- Alcoholics Anonymous - <http://www.aa.org>
- Mothers Against Drunk Driving - <http://www.madd.org>
- Narcotics Anonymous - <http://www.na.org>
- National Council on Alcoholism and Drug Dependence - <http://www.ncadd.org/>
- National Institute on Drug Abuse - <https://www.drugabuse.gov/>
- Partnership for a Drug Free America - <http://www.drugfree.org>
- Al-Anon - <http://al-anon.org/>
- Homeless Shelter Directory - <http://www.homelessshelterdirectory.org/>
- Center for Substance Abuse Prevention (CAPT) - <https://www.samhsa.gov/capt/about-capt>
- Community Anti-Drug Coalitions of America (CADCA) - <http://www.cadca.org/>
- Office of Violence Against Women - <https://www.justice.gov/ovw/local-resources>

Anti-Hazing Policy

Cortiva Institute adheres to a strict anti-hazing policy. Hazing of any sort will not be tolerated nor does the school condone such behavior. Students found hazing will automatically be terminated from the school.

Reporting and Responding to Criminal Activity

- Neither employees nor students are expected to risk bodily harm to protect the facilities. Their responsibility is to observe and report.
- When it is apparent upon approaching the building that it has been broken into, do not enter. Leave the premises and call 911. Do not risk bodily harm. If a break-in is discovered after you have entered the building, leave immediately and call 911.
- If an intruder is sighted, do not go near him. Make notes of description, noting any distinguishing characteristics, clothing, etc. Note direction and mode of travel if intruder leaves the scene. Try to get description of vehicle, license number, etc. if it is safe to do so. Call 911.
- Any criminal offense should be reported immediately to the Campus Director. The Campus Director is responsible for notifying the local police. Upon arrival, the local police will make arrests where appropriate. The Campus Director is responsible for notifying the campus community to ensure the safety of all.

Crime Prevention and Security Awareness Programs

The Campus Director is responsible for delivering crime prevention and security awareness programs to students and employees. At least annually, training will be provided to the campus community. This training includes information on campus security and crime prevention programs. Cortiva Institute is committed to increasing awareness for the institute community in areas such as sexual offense, security awareness, and crime prevention strategies.

Timely Warnings

In the event that a situation arises, either on or off campus, in the judgment of the Campus Director, constitutes a series and/or continuing threat, a campus wide “timely warning” will be issued. Notices will be posted in each common area.

Operational Procedures

The following procedures shall be observed in the event of a crisis or emergency at Cortiva Institute:

- ❖ The first individual to learn of a potential or actual crisis shall alert the Campus Director or his/her designee.
- ❖ The Campus Director will define the nature and level of the crisis or emergency and take immediate action for the protection of students and staff.
- ❖ The appropriate authorities will be notified as to the nature and level of the crisis or emergency.
- ❖ The staff will be informed of the event and action taken.
- ❖ A record will be kept of all incoming and outgoing calls concerning the crisis or emergency.
- ❖ Additional actions and procedures will be in accordance with the established Emergency Response Plan.

Violence Against Women Act/Campus Sexual Violence Elimination Act

Violence Against Women Reauthorization Act of 2013 or VAWA: The 2013 VAWA Reauthorization added a non-discrimination provision that prohibits discrimination on the basis of sex by organizations that receive funding under the Act and allows an exception for "sex segregation or sex-specific programming" when it is deemed to be "necessary to the essential operations of a program". Critical to ending violence and maintaining a safe campus is recognizing and avoiding abusive behavior. Abuse can surface in many ways (emotional, verbal, psychological, sexual, and physical).

VAWA was first enacted in 1994: The Violence Against Women Act (VAWA) was implemented in 1994 in recognition of the severity of the crimes associated with domestic violence, sexual assault, and stalking, as part of the Violent Crime Control and Law Enforcement Act of 1994. VAWA was reauthorized in 2000, 2005, and 2013 to strengthen the law. The Violence Against Women Act provides protection to women against crimes of sexual violence. The act was amended on several occasions and placed new obligations on colleges and institutions to report and conduct educational programs under its Campus Sexual Violence Act (Campus SaVE Act), which amended the Clery Act.

VAWA 2013 also incorporates provisions of an earlier bill: Campus Sexual Violence Elimination Act or Campus SaVE Act and Dear Colleague Letter issued by the Office of Civil Rights at the Department of Education

SaVE Act made significant revisions to the Clery Act provisions: Higher Education Act of 1965 regarding how institutions report campus crime

Under VAWA, effective March 7, 2014, HI is required:

- a) A statement that the institution prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking
- b) A clear definition of what constitutes domestic violence, dating violence, sexual assault, and stalking in the applicable jurisdiction
- c) A definition of consent in regards to sexual activity, in the applicable jurisdiction
- d) Safe and positive options for bystander intervention in order to prevent or intervene when there is a risk of sexual violence or stalking against another individual
- e) Information on risk reduction to recognize warning signs of abusive behavior or how to avoid potential attacks

VAWA Policy Statement:

Cortiva Institute is committed to maintaining a safe and secure work and academic environment free of any form of sexual misconduct including domestic violence, dating violence, sexual assault, stalking, and sexual harassment.

A violation of the Violence Against Women's Act shall constitute grounds for disciplinary action, up to and including, dismissal from the Institute.

Sexual Harassment & General Anti-Harassment Policy:

The U.S. Equal Employment Opportunity Commission has issued guidelines which treat sexual harassment as illegal sex discrimination under the Civil Rights Act of 1964.

Cortiva Institute actively supports a policy on sexual harassment which includes a commitment to creating and maintaining an environment in which the students, faculty and administrative-academic staff can work together in an atmosphere free of all forms of harassment, exploitation or intimidation. It is the intention of the school to take whatever action may be needed to prevent, correct and if necessary discipline behavior which violates this policy.

Definitions and Examples

Cortiva Institute's Sexual Harassment and Sexual Violence policy, in accordance with VAWA, has very specific definitions that relate to sexual offenses or acts of sexual violence.

Definitions:

- ❖ Domestic Violence – Pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate party. Includes any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.
- ❖ 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; and where the existence of such a relationship based on a consideration of the following factors:

- Length of relationship
- Type of relationship
- Frequency of interactions between the persons involved in the relationship
- ❖ Sexual Assault – Non-consensual oral, anal, or vaginal penetration by or union with the sexual organ of another or by any other object.
- ❖ Stalking – Willfully, maliciously, and/or repeatedly following, watching, harassing or intimidating another person; in person, electronically, or by any other means.
- ❖ Consent- Consent is free and active agreement, given equally by both parties, to engage in a specific activity. Giving in is not the same as giving consent.

Domestic Violence

- ❖ **Example:** Trisha, a student, just separated from her boyfriend John two days ago. He just kicked her apartment door and yelled that he is going to punch her if she doesn't open the door immediately. John has been physically abusive with Trisha in the past, but she never told anyone. John is getting very angry and Trisha hears him repeatedly calling her a "slut." John demands that she open the door. Trisha is very frightened. John says, "I'm not leaving until you open this door."

Dating Violence

- ❖ **Example #2:** Sam and Alex have been dating for a few months. One day Sam and Alex are sitting on the couch together. Sam wants to watch TV and Alex wants to talk. Sam raises his arm and clenches his fist and yells at Alex, "I don't want to talk, and if you don't shut up, I'm going to make you shut up!" Sam then stands up and kicks the coffee table.
- ❖ **Example #2:** Sidney has started dating Casey. Sidney is constantly on-edge about remembering to "check in" with Casey. The relationship has now become sexual and Casey has demanded they stay exclusive and only date each other. Sidney can only see and talk to people Casey approves of. Sidney wants out of the relationship, but is afraid to approach Casey in fear their talk will become physical.

Sexual Assault

- ❖ **Example #1:** Sonia and Chris are at a party and both are drinking heavily. Sonia is having trouble standing, so Chris leads Sonia over to a couch where Sonia can lie down. Sonia passes out and wakes up to find Chris on top of her, engaging in sexual intercourse.
- ❖ **Example #2:** Pat is working late on an experiment at the campus research lab with Sandy. Pat thinks Sandy is being nice when Sandy offers to walk Pat home. Pat invites Sandy inside the house so they can continue their conversation. Sandy starts to kiss Pat, and Pat readily kisses Sandy back. Sandy starts touching Pat's genitals. Pat pushes Sandy's hand away and says, "No, I don't want to." Sandy becomes more forceful, and continues to fondle Pat's genitals despite Pat saying, "No!"

Stalking

- ❖ **Example #1:** Allison meets Trevor through a class group project. The group members exchange telephone numbers and Trevor calls Allison for help with the project. As the term goes on, Trevor repeatedly asks her out and he refuses to take no for an answer. Allison is in fear of her safety and tells him that she is not interested in dating him, but Trevor continues with this behavior that is unwanted and unwelcome by Allison. He repeatedly texts her throughout the day despite her requests that he stop texting her. Before each group meeting, Trevor waits outside the class to greet her, "What took you so long? I've been waiting for you for almost an hour, but I don't mind."
- ❖ **Example #2:** Dana, a student, has been sending a professor multiple emails during the week that are unrelated to class work. Dana has also been hanging around outside the professor's office, which has made the professor very uncomfortable. The professor has told Dana this behavior is inappropriate and that the attention is unwanted, but Dana's behavior has persisted. The professor is now fearful, having noticed Dana on numerous occasions following the professor around campus and watching the professor walk to the parking lot after class.
- ❖ **Example #3:** Kelly recently met Danni, who works on campus. They've gone out a few times, always meeting at a public place, never at either person's home. Kelly thinks these dates have been fun, but knows there isn't a serious future with Danni and has told Danni so. The next day, when Kelly arrived at home, there were several notes left on the door from Danni. The same thing happened again four times that week, with the same message asking if Danni can have just one more chance. Kelly, now in fear of her safety, arrives at home and sees Danni sitting in a parked car staring directly at Kelly's house.

Identifying Warning Signs

Identifying some of the warning signs that may lead to a sexual offense or an act of sexual violence. Some warning signs of abuse are:

- ❖ Frequent yelling directed at a partner
- ❖ Blaming partner for own faults
- ❖ Name-calling
- ❖ Consistently accusing partner of infidelity
- ❖ Kicking, holding, slapping, and scratching
- ❖ Forcible sex (e.g., wanting sex after hitting)

These behavioral warning signs may include, but are not limited to:

- ❖ Jealousy – excessive questions about who a partner spends time with
- ❖ Controlling Behavior – not allowing a partner to make personal decisions
- ❖ Isolation – curtailing a partner's social interaction
- ❖ Verbal Abuse – saying things about or to a partner that are meant to be cruel
- ❖ Blame-shifting for feelings and problems – blaming a partner, family, or the University for one's own inabilities or lack of responsibility
- ❖ Making threats of violence – saying things like “If you talk to him/her again, I’ll kill you.” Or “If you leave me, I will kill myself.”

Bystander Intervention

- ❖ Most people want to help in difficult situations
- ❖ Incorrectly some assume that someone else will take action

A phenomenon known as diffusion of responsibility:

- ❖ Each bystander's sense of responsibility to help decreases as the number of witnesses increases
- ❖ End result is that nobody speaks up, comes forward, or helps

This is not bystander apathy:

- ❖ People may be truly concerned about the welfare of the victim
- ❖ Sincerely believe that someone else will help
- ❖ Other person is either more likely or more qualified or more capable

What should you do?

Specific interventions can be divided into four main types:

- ❖ Engage: say or do something that directly engages one or more of the parties involved
- ❖ Distract: say or do something to interrupt the interaction
- ❖ Enlist: ask for the help of someone else who may be better able to intervene
- ❖ Delay: say or do something after the difficult moment or incident has passed

S.E.E.

- ❖ Safe Responding: Choose a course of action, direct or indirect, that best ensures the safety of those involved, including yourself
- ❖ Early Intervention: Take action before the problem becomes worse
- ❖ Effective Helping: Implement specific helping skills depending on the situation

Clery Crime Statistics and VAMA's SaVE Act Statistics

Institutions are required to maintain records and report on the following general categories of crime statistics that occur on campus:

- I. Criminal Offenses
 - a. Criminal Homicide, including
 - i. Murder
 - ii. Non-negligent Manslaughter
 - iii. Manslaughter by Negligence
 - b. Sexual Assault, including
 - i. Rape
 - ii. Fondling
 - iii. Incest
 - iv. Statutory Rape
 - c. Robbery
 - d. Aggravated Assault
 - e. Burglary
 - f. Motor Vehicle Theft
 - g. Arson
- II. Hate Crimes
 - a. Any Criminal Offenses listed in I above
 - b. Larceny-Theft
 - c. Simple Assault
 - d. Intimidation
 - e. Destruction/Damage/Vandalism of Property that was motivated by bias
- III. *VAWA* Offenses
 - a. Domestic Violence
 - b. Dating Violence
 - c. Stalking
 - d. Sexual Assault
- IV. Arrests and Referrals for Disciplinary Action
 - a. Weapons—Carrying, Possession, etc. Law Violations
 - b. Drug Abuse Violations
 - c. Liquor Law Violations

As outlined above, statistics will document whether crimes that are classified as Hate Crimes as prescribed by the Hate Crime Statistics Act of 1996. Such crimes show evidence of prejudice based on the following:

- ✓ race,
- ✓ religion,
- ✓ gender
- ✓ gender identity,
- ✓ sexual orientation,
- ✓ ethnicity,
- ✓ national origin, or
- ✓ disability

Institute Sexual Assault Education and Prevention Strategies

Cortiva Institute is committed to educating the institute community in ways to prevent sexual assault. Information is provided to students, employees and other members of the institute community via the Center for Disease Control's website located at <http://www.cdc.gov/violenceprevention/rpe/>

Sex Offender Registry

Federal and state authorities maintain a database of registered sex offenders. To access the federal database, access the following link: <https://www.nsopw.gov/en/search/>

Institute Policy Statement: Conduct and Consequences

Whether or not the victim chooses to pursue a criminal complaint, any act of violence, threat of violence, indecent assault, or conduct that otherwise threatens to endanger the health, safety or welfare of any person on institute property is prohibited. Where there is reasonable cause to believe that a member of the institute community has violated institute regulations, after a fair process, the institute may reprimand, suspend, expel, or dismiss that person.

Timely Warnings

In the event that a situation arises, either on or off campus, in the judgment of the Campus Director, constitutes a series and/or continuing threat, a campus wide "timely warning" will be issued. Notices will be posted in each common area.

Reporting Crime

Any suspicious activity, or person seen in the parking lots or loitering around vehicles, inside the buildings or around the halls should be reported to the police department. In addition, you may report a non-emergency crime to the following:

- School Official/Administrator (Instructor) & Campus Director

Confidential Reporting Procedure

If you are a victim of a crime and unsure if you want to pursue action within the Institute system or the criminal justice system, you may still make a confidential report. The Campus Director may be told of the details of the incident in confidence. The purpose of confidential reporting procedure is for your security, while taking steps to ensure your future safety and the safety of others. With such information, the Institute can keep accurate records of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method or assailant, and alert the campus community to potential danger. These incidents are counted and disclosed in the annual crimes statistics for the institution with no identifying information.

Reporting Requirements and Procedures

- ❖ Physicians who provide treatment to rape victims are required to notify the state and local municipal police of the incident and its approximate location, but provide no other details, including the victim's name.
- ❖ The Campus Director compiles statistics regarding the number of reported sexual offenses for inclusion in this report, as required by the federal Clery Act.
- ❖ Medical care and counseling support are available as described above. After 72 hours, a physical exam for evidence collection is no longer necessary since the evidence would most likely not exist. However, medical care and counseling continue to be important and a physical exam may provide evidence of sexual assault.

While the institute personnel must notify the Campus Director of each incident involving a student by date, time and location, neither the name nor other identifying information will be disclosed without the victim's consent. The institute is required by federal law to publish crime statistics.

When institute personnel have concerns or doubts regarding the safety or well-being of a victim or others, they may need to involve others to assure that the victim is receiving adequate support, or that appropriate steps are taken to deal with an alleged perpetrator who may be a threat to the victim or others. These steps will be taken with every respect for the victim's confidentiality but may need to occur even without the victim's consent.

Family Educational Rights and Privacy Act (FERPA)

Policies and procedures concerning the privacy of the students' records maintained by Cortiva Institute and its faculty and staff are governed by the Family Educational Rights and Privacy Act of 1974 (Public Law 93-380). Students' records are maintained by campus Registrar's Office (academic records), Financial Services Department (financial aid records) and Business Management Office (accounts receivable records). Students' records are maintained by the institution in permanent files. Under Section 438 of the General Provision Act (Title IV of Public Law 90-247), students age 18 or over have access to their personal record files kept by the institution.

All authorized personnel have access to student records for official purposes. A student (or in some cases eligible parents) is given access to his/her record within a reasonable time after submitting a written request to the custodian in possession of that record (Registrar, Financial Services, or Business Management). If the content of any record is believed to be in error, inaccurate, discriminatory, misleading or in violation of the student rights or otherwise inappropriate, it may be challenged, and a written explanation included in the record. A student's right to due process allows for a hearing, which may be held at a reasonable time and place at which time evidence may be presented to support the challenge. Student information is released to persons, agencies, or legal authorities as required by subpoena/legal process or by consent of a student (or eligible parent). Information is released on a consent basis in cases where a student or eligible parent has provided a written consent, signed, dated and specifying the information to be released and name(s) of persons to whom the information is to be released.

Cortiva Institute strictly adheres to the requirements of FERPA regarding students' rights and privacy of information. In accordance with Family Educational Right and Privacy Act, the school allows students to access their educational records; challenge records they believe are inaccurate, incomplete or misleading; and limit the release of such information. Records will not be released without the written consent of the student. A student will be notified whenever a court subpoenas the records in which case, written consent is not required. The parent(s) of a dependent minor student has the right to inspect the records that are maintained by the school on behalf of the student. The schools accrediting agency along with federal, state and local authorities involving an audit or evaluation of compliance with education programs have the right to inspect records that are maintained by the school on behalf of the student without the student's consent. FERPA permits the disclosure of PII from students' education records, without consent of the student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations. Except for disclosures to school officials, disclosures related to some judicial orders or lawfully issued subpoenas, disclosures of directory information, and disclosures to the student, § 99.32 of FERPA regulations requires the institution to record the disclosure. Eligible students have a right to inspect and review the record of disclosures.

The Family Educational Rights and Privacy Act (FERPA), requires that the Institute, with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your education records. However, the Institute may disclose appropriately designated "directory information" without written consent, unless you have advised the Campus Director to the contrary in accordance with the below outlined procedures. The primary purpose of directory information is to allow the Institute to include information from your education records in certain school publications. Examples include recognition lists; graduation programs; and competition list. Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without prior written consent. Outside organizations include, but are not limited to, companies that manufacture publish graduation programs or awards. If you do not want the Institute to disclose any or all of the types of information designated below as directory information from your education records without your prior written consent, you must notify the Campus Director in writing. The Institute has designated the following information as directory information: name, address, telephone listing, email, photograph, date of birth, program of study, dates of attendance, participation in recognized activities, placement and licensure status or information.

Student Privacy

Cortiva Institute complies with the provisions of the Family Educational Rights and Privacy Act (FERPA). FERPA does not prohibit the disclosure of statistical, non- personally identifiable information. FERPA also recognizes that, in any emergency, information can be released without consent when needed to protect the health and safety of others. In making a timely warning report to the campus community on criminal activity that affects the safety of others, even if the school discloses the identity of the individual, the school has not violated the requirements of FERPA. Records created and maintained by the institute are not educational records and are not protected from disclosure by FERPA. Records maintained by the institute of disciplinary actions or proceedings against a student are not available to the public without the consent of the student or the student's parent (if applicable).

Title IX Notice of Non-Discrimination and Policy

Title IX of the Education Amendments Act of 1972 prohibits discrimination on the basis of sex in any education program or activity operated by a recipient that receives federal financial assistance. As an educational institution subject to Title IX, Hollywood/Cortiva Institute:

Does not discriminate on the basis of sex, including but not limited to admissions and employment, and is committed to providing an educational and workplace environment that is free from sex-based discrimination, harassment, and retaliation;

Prohibits discrimination on the basis of sex in its educational programs and activities, as required by law;

Is committed to promoting fairness and equity in all aspects its operations; and

Values and promotes the equal dignity of all community members and is committed to the pursuit of just resolutions with respect the rights of all parties involved.

Hollywood/Cortiva Institute prohibits retaliation against any individual who in good faith makes a complaint or assists a complainant in the filing of sex discrimination, sexual harassment, or sexual misconduct or participates as a witness in a proceeding under this or any other Institutional policy, it is also a violation of a federal law.

Title IX Coordinator

Hollywood/Cortiva Institute's Title IX Coordinator is identified below and may be contacted with questions about the Title IX Non-Discrimination & Grievance Process Policy, to file a report or formal complaint, or to otherwise assist individuals in ensuring equal access to the educational programs or activities in compliance with Title IX.

Responsibilities of the Title IX Coordinator

The Title IX Coordinator oversees the implementation and enforcement of this Policy, which includes primary responsibility for coordinating the Institute's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent discrimination, harassment, and retaliation prohibited under this Policy. The Title IX Coordinator's duties also include education and prevention efforts, as well as training.

The Institute's Title IX Coordinator is identified below and may be contacted with questions about this Policy, to file a report or formal complaint, or to otherwise assist individuals in ensuring equal access to the educational programs or activities in compliance with Title IX.

Title IX Team Coordinator:

Kiara Repress^{SEP}, Corporate Offices- Hollywood Institute and Cortiva Institute^{SEP}, 1166 West Newport Center Drive, Ste. 112 Deerfield Beach, Florida 33442^{SEP}, Office: 954-962-2624

Email: TitleIX@hi.edu or TitleIX@cortiva.edu

Prohibited Conduct

Sex and gender-based harassment, sexual misconduct, and retaliation ("Prohibited Conduct") in employment and in access to educational opportunities violate:

- Title IX of the Educational Amendments Act of 1972
- Violence Against Women Reauthorization Act of 2013
- The Campus SAVE Act
- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act")

All forms of such conduct are prohibited under this Policy, as are attempts or threats to commit Prohibited Conduct.

The following acts are prohibited as "Prohibited Conduct" under this Policy and will be addressed by the Institute according to this Policy. Deliberately false and/or malicious accusations of harassment, discrimination, or retaliation are serious offenses and will be subject to appropriate disciplinary action.

- Sex Discrimination: Discrimination on the basis of an individual's sex. Sex Discrimination also covers sexual harassment and sexual assault.
- Sexual Harassment: As defined by the federal Title IX regulations issued by the U.S. Department of Education, conduct on the basis of sex that is:

1. Taken against a person in the United States;
 2. Occurs in a Institute's education program or activity (for purposes of this Policy, the Institute's educational program or activities includes locations, events, or circumstances, within the U.S., where the Institute exercises substantial control over both the Respondent and the context in which the alleged sexual harassment or discrimination occurs and also includes any building owned or controlled by the Institute or by a student organization that is officially recognized by the Institute. It also includes online, when those behaviors occur in or have an effect on the Institute's education program and activities or use the Institute networks, technology, or equipment);
 3. Reported by or on behalf of a Complainant who, at the time of the report filing, was participating in or attempting to participate in a Institute's education program or activity; and
 4. Meets the definition of one of the following categories:
 1. Quid Pro Quo Harassment – An employee conditioning the provision of an aid, benefit, or service of the Institute on an individual's participation in unwelcome sexual conduct;
 2. Hostile Environment – Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Institute's education program or activity; or
 3. "Sexual assault," "dating violence," "domestic violence," or "stalking," as defined below by this Policy."
- Quid Pro Quo Harassment – An employee conditioning the provision of an aid, benefit, or service of the Institute on an individual's participation in unwelcome sexual conduct.
 - Hostile Environment – Exists when the conduct is sufficiently severe, pervasive, or persistent that it unreasonably interferes with, limits, or deprives an individual from participating in or benefiting from the Institute's education or employment programs and/or activities.
 - For the purposes of this definition:
 - Whether conduct is sufficiently severe, pervasive, or persistent is determined both from a subjective and objective perspective. A hostile environment can be created by oral, written, graphic, or physical conduct. A determination of a hostile environment considers the totality of the circumstances and includes: 1) the degree of interference; 2) the type, frequency, and duration of the conduct; 3) the relationship between the Respondent and the Complainant; 4) the nature and severity of the conduct; 5) whether the conduct was directed at more than one person; 6) whether the conduct arose in the context of other discriminatory conduct; and 7) whether the conduct implicates concerns related to academic freedom or protected speech. A single instance may be sufficient for a finding of a hostile environment if the conduct is serious enough to reasonably support such a finding, particularly if the conduct is physical.
 - Sexual Assault: An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation (FBI). This includes forcible rape and forcible fondling. Forcible rape is defined as any sexual penetration, no matter how slight, of the vagina or anus or any bodily opening with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim and committed by force, threat, coercion or through exploitation of another's condition of which Respondent was aware or which a reasonable person would have been aware. Forcible fondling is defined as the touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of their youth or because of their temporary or permanent mental or physical incapacity.
 - Dating Violence: Violence committed by a person (1) who is or has been in a social relationship of a romantic or intimate nature with the person subjected to such violence, and (2) where the existence of such a relationship shall be determined based on a consideration of the following factors: (1) the length of the relationship; (2) the type of relationship; and (3) the frequency of interaction between the persons involved in the relationship. Violence can encompass a broad range of behavior including, but not limited to, physical violence, sexual violence, psychological and/or emotional violence, and economic abuse. It may involve one act or an ongoing pattern of behavior and may take the form of threats, assault, property damage, violence, or threats of violence to one's self, a sexual or romantic partner, or to the family members or friends of the sexual or romantic partner.
 - Domestic Violence: A felony or misdemeanor crime of violence committed by: 1) a current or former spouse or intimate partner of the victim; 2) a person with whom the victim shares a child in common; 3) a person who is cohabiting with, or has cohabitated with, the victims as a spouse or intimate partner; 4) a person similarly situated to a spouse of the victim; or 5) any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence state laws or the laws of the jurisdiction in which the crime was committed. Violence can encompass a broad range of behavior including, but not limited to, physical violence, sexual violence, psychological and/or emotional violence, and economic abuse. It may involve one act or an

ongoing pattern of behavior and may take the form of threats, assault, property damage, violence, or threats of violence to one's self, a sexual or romantic partner, or to the family members or friends of the sexual or romantic partner.

- Stalking: Engaging in a course of conduct, on the basis of sex, 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.
- For the purposes of this definition:
- Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent 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.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.
- Sexual Misconduct: Sexual Misconduct is generally defined as sexual conduct that occurs by force or threat of force or without affirmative consent, including where the person is incapacitated. This definition encompasses a range of sexual conduct including sexual harassment, sexual assault, dating violence, domestic violence, non-consensual sexual contact, sexual exploitation, and stalking.

Force, Coercion, Consent, and Incapacitation

As used in the offenses above, the following definitions and meanings apply:

- Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to overcome resistance or produce consent.
- Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone is not consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.
- Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.
- Consent: Words or actions demonstrating a knowing, willful, unambiguous, and voluntary agreement to engage in mutually agreed-upon sexual activity. Consent is determined based on the totality of the circumstances. Consent to some sexual contact (such as kissing and fondling) cannot be presumed to be consent for other sexual activity (such as sexual intercourse). A current or previous intimate relationship is not sufficient to constitute consent. Silence, passivity, or the absence of resistance alone is not consent. It is important to not make assumptions regarding whether a partner has consented to a sexual act. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately. Consent cannot be obtained by force, threat, duress, coercion, misuse of professional authority/status, by ignoring or acting in spite of the objections of another, or by taking advantage of the incapacitation of another. A person cannot consent if he or she is under the age of 16, is unable to understand what is happening, or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who knowingly acts sexually upon another person who is physically or mentally incapacitated has violated this Policy.
- Incapacitation: A state where an individual lacks the physical and/or mental ability to make informed, rational judgments and decisions (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction). Incapacity could result from mental disability, involuntary physical restraint, and/or from the consumption of alcohol or other incapacitating drugs. A person can be intoxicated without being incapacitated.
- It is a defense to an alleged sexual assault violation that the Respondent neither knew nor should have known the Complainant to be physically or mentally incapacitated. "Should have known" is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment.

Retaliation

Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by applicable civil rights law and/or this Policy, 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 applicable civil rights law and/or this Policy. Retaliation includes intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve discrimination or harassment, but arise out of the same facts or circumstances as a Report or Complaint of prohibited conduct, or a Report or Complaint of prohibited conduct, for the purpose of interfering with any right or privilege secured by Title IX or this Policy. Retaliation can be committed by or against any individual or group of individuals, including a Respondent or Complainant.

Retaliation does not include the exercise of rights protected under the First Amendment, good faith actions lawfully pursued in response to an allegation of a violation of this Policy, or charging an individual with a code of conduct violation for making a materially or deliberately false statement or accusation in the course of a proceeding under this Policy, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

How to Make a Report or Formal Complaint of an Alleged Title IX Violation

Any person may report alleged sex discrimination, sexual harassment, or retaliation to the Title IX Coordinator, irrespective of whether the reporting person is the alleged victim of such conduct. A Report is differentiated from a Formal Complaint ("Complaint"), which is a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging sexual harassment and requesting that the Institute investigate the allegation(s) and implement the Institute's Grievance Process. A report or complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail at any time (including during non-business hours), using the contact information in the section above or as described below:

Title IX Team Coordinator:

Kiara Repress^[1], Corporate Offices- Hollywood Institute and Cortiva Institute^[1] 1166 West Newport Center Drive, Ste. 112 Deerfield Beach, Florida 33442^[1] Office: 954-962-2624

Email: TitleIX@hi.edu or TitleIX@cortiva.edu

On-Campus Title IX Coordinators:

Campus Director

Cortiva Institute- Maitland, FL Campus
2600 Lake Lucien Drive, Suite#140
Maitland, FL 32751
Phone: 407-261-0319

Campus Director

Cortiva Institute- St. Petersburg, FL Campus
2370 34th St. N
St. Petersburg, FL 33713
Phone: 727-865-4940

Campus Director

Cortiva Institute- Arlington, TX Campus
808 West I-20
Arlington, TX 76017
Phone: 682-999-3150

Campus Director

Cortiva Institute- King of Prussia, PA Campus

211 South Gulph Road suite 100
King of Prussia, PA 19406
Phone: 484-690-1400

Campus Director

Cortiva Institute- Cromwell, CT Campus
45 Shunpike Road, Suite #10
Cromwell, CT 06416
Phone: 860-667-1886

Campus Director

Cortiva Institute- Linthicum Heights, MD Campus
517 Progress Drive, Suite A-J
Linthicum, MD 21090
Phone: 410-636-7929

The Institute strongly encourages all individuals to report any conduct that may be considered criminal to local law enforcement, in addition to reporting to the Institute. Reports to the Institute and criminal reports may be made simultaneously.

In some instances, a Complaint may be signed by the Title IX Coordinator that alleges a potential violation of this Policy and requests that the Institute investigate the allegation or allegations. The Complaint must state the specific allegations to be investigated, as well as the scope of the investigation. Where the Title IX Coordinator signs a Complaint, the Title IX Coordinator is not a Complainant and must comply with the requirements of these Procedures.

The School's Mandatory Response Obligations

The Institute's mandatory response obligations under this Policy arise when the Institute has Actual Knowledge of conduct that may constitute sexual discrimination, harassment, or retaliation, as defined herein. Actual Knowledge occurs when the Title IX Coordinator or a School official with authority to implement corrective measures ("OWA") becomes aware of the potential occurrence of such conduct. Actual notice received by any of these OWAs constitutes Actual Knowledge upon which the Institute's mandatory response obligations arise under this Policy.

If an individual discloses Prohibited Conduct to any OWA, they must report to the Title IX Coordinator all relevant details about the alleged conduct. Additionally, to the extent either the Complainant and/or Respondent are the Institute's employees, OWA must also notify the Institute's Human Resources Department. The following employees have been identified and designated as:

- Campus Director
- Campus Registrar
- Regional/Corporate Directors

Anonymous Report or Complaint

If a Complainant makes a report anonymously, it will be investigated by the Institute to the extent possible, both to assess the underlying allegation(s) and to determine if Supportive Measures or Remedies can be provided. Anonymous reports typically limit the Institute's ability to investigate and respond, depending on what information is shared. In some situations, the Title IX Coordinator may proceed with the issuance of a Formal Complaint even when the Complainant's report has been made anonymously.

Time Limits on Reporting

There is no time limitation on making a report or Complaint. However, acting on reports or Complaints is significantly impacted by the passage of time and occurrence of other events (including, but not limited to, the rescission or any revision of this Policy), and is at the discretion of the Title IX Coordinator, who may, among other things, document allegations for future reference, offer supportive measures and/or Remedies, and/or engage in informal or formal action, as appropriate. Additionally, if the Respondent is no longer subject to the Institute's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide Remedies may be more limited or impossible.

Privacy and Confidentiality

The Institute will undertake reasonable efforts to preserve the confidentiality of Reports and Complaints except as provided herein and as necessary to effectuate this Policy, or as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99, or as required under applicable law to carry out the purposes of any arising investigation, hearing, or judicial proceeding. Privacy generally means that information related to a report of Prohibited Conduct will only be shared with those individuals who have a "need to know." These individuals will be instructed to be discreet and respect the privacy of all individuals involved. The Institute does not restrict the ability of either party to a Complaint to discuss an investigation with other individuals.

The potential Complainant has the right to request that the Title IX Coordinator not share their name (or other identifiable information) with the Respondent, or that the Title IX Coordinator take no action in response to a Report. Title IX Coordinator, as appropriate, have the responsibility for evaluating confidentiality requests. If the potential Complainant makes such a request, the Title IX Coordinator will balance the request with its dual obligation to provide a safe and non-discriminatory environment for all Institute's community members, and to remain true to principles of due process and fundamental fairness that require the Institute to provide the Respondent with notice of the allegations and an opportunity to respond before action is taken against the Respondent. The Title IX Coordinator will make this determination consistent with the following considerations: 1) the seriousness of the conduct; 2) the respective ages and roles of the Complainant and the Respondent; 3) whether there have been other Complaints against the Respondent; and 4) the right of the Respondent to receive notice and relevant information before disciplinary action is sought.

Consolidated Complaints

If a Complaint involves one or more Complaint, Complainant and/or Respondent and allegations arising out of the same set of circumstances, the Institute may elect to consolidate complaints.

Preservation of Evidence

Because sexual misconduct (see definition above) may involve physical trauma and is a crime, individuals who have experienced sexual violence are urged to seek medical treatment as soon as possible. They are strongly encouraged to preserve all physical and digital evidence of the violence. This may be needed to prove criminal sexual violence, or for obtaining a protective order. Individuals who have experienced sexual violence should not shower, bathe, douche, eat, drink, wash their hands, or brush their teeth until after they have had a medical examination. They should save all the clothing they were wearing at the time of the incident. Each item of clothing should be placed in a separate paper bag (not plastic). They should not clean or disturb anything in the area where the sexual violence occurred. Digital evidence relating to the incident, such as texts, emails, and social media posts, should be also be preserved.

Conflicts of Interest or Bias

Both parties have a right to an investigation and resolution process free of conflicts of interest or bias by any Institute employee or official involved in the process, including the Title IX Coordinator, Investigator, or any person designated by the Institute to facilitate an informal resolution process. The Institute employee or official involved in the process must not have and should disqualify themselves in a matter or proceeding in which the member's impartiality might reasonably be questioned, including but not limited to instances where:

1. The member has a personal bias or conflict of interest concerning a participant in the process, or has personal knowledge of disputed facts concerning the matter;
2. The member has a personal bias or prejudice against Complainants or Respondents generally;
3. The member was directly involved in the matter in controversy, or a subordinate whom the member previously supervised is involved in the matter, or the member was a witness to the matter;
4. The member or a person in his or her family is related to a participant in the process.

Failure of a Institute employee or official to disqualify themselves or notify the Title IX Coordinator of potential conflicts of interest is considered a violation of this Policy.

Complaint Dismissal

Mandatory Dismissal

The Institute must dismiss a Complaint if, at any time during the investigation or hearing, it is determined that:

1. The conduct alleged in the Complaint does not constitute sexual harassment as defined in under Title IX; and/or
2. The conduct did not occur in an educational program or activity controlled by the Institute (including buildings or property controlled by recognized student organizations); and/or
3. The Institute does not have jurisdiction over the Respondent; and/or
4. The conduct did not occur against a person in the United States; and/or
5. At the time of filing a Complaint, the Complainant is not participating in or attempting to participate in the education program or activity of the Institute.

Discretionary Dismissal

The Institute may dismiss a formal complaint or any allegations therein if at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Complaint or any allegation therein; or
2. The Respondent is no longer enrolled in or employed by the Institute; or
3. Circumstances prevent the Institute from gathering evidence sufficient to reach a determination as to the Complaint or allegations therein.

Upon any dismissal, the Institute shall promptly send written notice of the dismissal and its rationale simultaneously to the parties. This dismissal decision is appealable by any party under the procedures for appeal below.

After Making a Report or Formal Complaint

Upon receipt of a report or Complaint, the Title IX Coordinator shall undertake an initial assessment to determine appropriate next steps as required under this Policy, including making an initial threat assessment to ensure there is no immediate danger to Complainant or the campus community and, if there is, to take appropriate action, which may include emergency removal of Respondent as described below.

The Title IX Coordinator shall contact Complainant to discuss the availability of appropriate supportive measures that may be implemented with input from the Complainant irrespective of, and in addition to, any resolution process including the formal grievance process, and will notify Complainant about the right to have an advisor.

- If the report has been made without filing a Complaint, the Title IX Coordinator will review the allegations and discuss options with the Complainant, including the option of proceeding with a Complaint. If the Complainant does not want to proceed with a Complaint, the Coordinator may initiate a Complaint if the coordinator determines that a Complaint is warranted.
- If the Complainant files a Complaint, or the Title IX Coordinator initiates a Complaint, the matter will proceed as described under the grievance process. A Complainant may, at any time, request a dismissal of the Complaint. All requests for dismissal must be sent to the Title IX Coordinator and be in writing.
- After submission of a Complaint and after notifying the Respondent of the Complaint's allegations, the parties will be notified of the availability of informal resolution, as applicable. All parties must voluntarily consent in writing to any informal resolution process. The parties may withdraw such consent at any time and resume the formal grievance process.
- The Institute may consolidate Complaints as to allegations of violations of this Policy against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations arise out of the same facts or circumstances.
- At all stages of the process, irrespective of any resolution or grievance process which may be implemented, responsive and reasonable supportive measures will be implemented to ensure continued access to the Institute's educational program or activities.

Supportive Measures

Upon receipt of a Report or Complaint under this Policy, the Institute will offer supportive measures, as appropriate and as reasonably available to the Complainant and/or to the Respondent. Supportive measures are non-disciplinary, non-punitive, individualized services that must be offered without fee or charge to the Complainant or the Respondent before or after the filing of a Complaint or where no Complaint has been filed. Such measures are designed to restore or preserve equal access to the Institute's programs and/ or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Institute's educational environment, or deter discrimination or harassment.

Supportive measures may include extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work locations, leaves of absence, restrictions on access to the campus or to specific campus areas or activities, limitations on extracurricular activities, as well as any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy.

The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Upon receipt of a report or Complaint under this Policy, the Title IX Coordinator will promptly contact the Complainant to discuss the availability of supportive measures, consider the Complainant's wishes with respect to supportive measures with or without the filing of a Complaint, and explain to the Complainant the process for filing a Complaint. The Title IX Coordinator will contact the Respondent concerning supportive measures no later than issuance of notice that an investigation will be conducted.

The Institute will maintain the confidentiality of any supportive measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair the ability of the Institute to provide the supportive measures. The Institute will promptly address any violation of the protective measures. The Institute will take immediate and responsive action to enforce a previously implemented restriction if such restriction is violated.

Emergency Removal of Respondent and Administrative Leave of Employee Respondent

The Institute reserves the right to remove a Respondent from its education program or activities on an emergency basis when the Respondent poses an immediate threat to the health or safety of any student or campus community member. The Institute will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. If an emergency removal is imposed, the Respondent will be given notice of the removal and the option to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the removal should not be implemented. Emergency removal decisions are not subject to appeal. Respondents that are Institute's employees may be placed on administrative leave during the pendency of a grievance process as determined by the Institute and the Title IX Coordinator.

Informal Resolution

At any time prior to reaching a determination regarding responsibility, the Institute may offer and facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication. Informal Resolution is a voluntary, structured interaction between or among the parties that is designed to reach an effective resolution to a Report or Complaint made under this Policy. The Institute recognizes that Informal Resolution options may be an appropriate means of addressing some forms of possible Prohibited Conduct reported under this Policy. Informal Resolution may include, but is limited to:

- Referral for disciplinary action;
- An agreement between the parties;
- Referring the Respondent to targeted preventive educational and training programs; and
- Conducting a follow-up review to ensure that the resolution has been carried out effectively.

Informal Resolution is not appropriate for all forms of possible Prohibited Conduct under the Policy and the Title IX Coordinator retains the discretion to determine which cases are appropriate for Informal Resolution. The Title IX Coordinator will determine if Informal Resolution is appropriate based upon: 1) the willingness of the parties to participate in Informal Resolution; 2) the nature of the conduct at issue; and 3) the susceptibility of the conduct to Informal Resolution.

Participation in the Informal Resolution process is voluntary, and the Institute will not require the parties to participate in an informal resolution process to resolve allegations of Prohibited Conduct under this Policy. Both a Complainant and a Respondent can request to end this type of resolution and pursue an investigation at any time.

The Institute must obtain the parties' voluntary, written consent to the informal resolution process. The Institute will provide the parties with written notice disclosing:

1) the allegations; 2) the requirements of the Informal Resolution process, including the circumstances under which it precludes the parties from resuming an investigation arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the formal resolution process; and 3) any consequences resulting from participating in the Informal Resolution process,

including the records that will be maintained or could be shared. Individuals may be accompanied by an Advisor at any meetings related to the Informal Resolution process. Information shared or obtained during Informal Resolution will be treated as confidential to the extent permitted by law and will not result in subsequent disciplinary actions by the Institute unless additional action is deemed necessary to fulfill the Institute's legal obligations.

The Title IX Coordinator will conduct the Informal Resolution process unless good cause requires another individual. The Title IX Coordinator will endeavor to complete the Informal Resolution process promptly, typically within 30 to 60 business days of notifying the parties in writing of starting the process. However, the Title IX Coordinator may extend the Informal Resolution process past 60 days for good cause. The Title IX Coordinator will notify the parties in writing of the reason for any extension and the projected new timeline. The actual time required will depend on the specific circumstances, including the complexity of the allegations and the nature of the alleged conduct.

Once the parties have agreed to the terms of an Informal Resolution, the Institute will not conduct a formal investigation unless the Title IX Coordinator determines that the Respondent failed to satisfy the terms of the Informal Resolution. The Institute will keep records of any resolution that is reached, and failure to abide by the resolution may result in appropriate responsive actions.

Notice of the Investigation to the Parties

The Institute will notify the Complainant (or potential Complainant) and Respondent, of its decision to proceed to investigation of any alleged violation of this Policy. This notice will include a copy of the Complaint. The notification to the Complainant and to the Respondent will include the following, where known at that time:

A copy of this Policy, including any available Informal Resolution processes.

A description of the allegations potentially constituting a violation of this Policy, including sufficient details known at the time. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting a violation of this Policy, and the date and location of the alleged incident, if known.

- Notice that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the Procedures in this Policy.
- The date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- Notice to the parties that they may have an advisor of their choice, who may be, but is not required to be an attorney.
- Notice to the parties of the Institute's student or employee code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the procedures under this Policy.
- Notice that the parties will be given an opportunity to inspect and review all directly related and relevant evidence obtained during the investigation.
- The Institute's policy on retaliation.
- Information about the privacy of the process.
- An instruction to preserve any evidence that is directly related to the allegations.

The Institute will provide the Respondent with sufficient time to review the notice and prepare a response before any initial interview. In the course of the investigation, the Institute will provide notice of any additional allegations to the parties if the Institute decides to investigate allegations about the Complainant or Respondent that are not otherwise provided in the initial notice.

Right to an Advisor

The parties have the right to select an advisor of their choice to accompany them to any or all meetings and interviews during the resolution process. There are no limits on who can serve as an advisor; it may be a friend, mentor, family member, attorney, or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. Under Title IX, cross-examination is required during the hearing, and must be conducted by the parties' advisors. If a party selects an advisor of their choice, this advisor must perform cross-examination on their behalf during the hearing, as the parties are not permitted to directly cross-examine each other or any witnesses. If a party does not have an advisor, or the advisor does not appear for a hearing, the Institute will provide one for the limited purpose of conducting cross-examination on behalf of the party.

An advisor who is also a witness to the allegations in the complaint creates potential for bias and conflict-of-interest. A party who chooses an advisor who is also a witness can anticipate that issues of potential bias will be explored by the hearing Decision-maker(s) and may, but will not necessarily, impact the Final Determination.

The Institute cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not select or retain an attorney or cannot afford an attorney, the Institute is not obligated to provide the other party with an attorney.

Timeframe for Investigations

The Institute will complete all investigations, hearings, and appeals within reasonably prompt timeframes. The Institute's goals are to complete investigations and hearings within 90 Business Days and to complete the appeals process within 30 Business Days after receipt of the appeal. These processes may be temporarily delayed or extended for a limited time frame for good cause. Good cause may include considerations such as the absence of a party, a party's advisor or witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities. The Title IX Coordinator will provide written notice of any delays and/or extensions to the parties and describe the reason(s) for the delays and/or extension.

The Investigation Procedures

Investigators serve free from conflict of interest, objectively and without bias. All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses and obtaining available, relevant evidence. The Institute, not the parties, bears the burden of gathering evidence and burden of proof. Parties have equal opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence and expert witnesses, and to fully review and respond to all evidence on the record.

- The investigation will be conducted within a reasonably prompt timeframe, allowing for thorough collection and evaluation of all evidence related to the allegations. The investigator will keep the parties informed as to estimated timelines, and any delays.
- No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of [and consent to] audio and/or video recording.
- Witnesses who are Institute's employees are expected to cooperate with and participate in the Institute's investigation and resolution process. Failure of such witnesses to cooperate with and/or participate in the investigation or resolution process constitutes a Policy violation and may warrant discipline. Interviews may occur in-person or remotely.
- The parties may suggest witnesses and documents to the investigator, as well as questions for the investigator to ask the other party and any witnesses. The investigator will determine whether the suggestions are relevant and appropriate. The Institute asks the parties to keep the investigation private but cannot prohibit the parties from discussing the investigation with others in connection with identifying evidence for the investigator to gather.
- Prior to the conclusion of the investigation, the parties will be provided with an electronic or hard copy of the draft investigation report as well as an opportunity to inspect and review all of the evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, (whether or not it will be used in reaching a determination). The parties will have a ten (10) business day review and comment period so that each party may meaningfully respond to the evidence.
- The Investigator will incorporate any relevant feedback provided by the parties during the review process, and the final report is then shared with all parties and their advisors through electronic transmission or hard copy at least ten (10) business days prior to a hearing.

Evidentiary Considerations in the Investigation

The investigation includes collection of all evidence directly related to the allegations, which is not otherwise privileged. Only evidence which is also deemed relevant is summarized in the investigative report which is considered by the Decision-Maker(s), in rendering a determination of responsibility. All parties are provided the opportunity to review all non-privileged evidence gathered during the investigation which is directly related to the allegations in the complaint, whether or not it is also included in the investigative report. All parties are also provided with a copy of the investigative report summarizing relevant evidence only.

Relevant evidence does not include evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such evidence is offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the evidence concerns specific incidents of the Complainant's prior sexual

behavior with respect to the Respondent and are offered to prove consent. Privileged evidence is likewise excluded from both the investigation, investigative report and hearing unless a party expressly waives this privilege in writing and consents to the release of this information during the grievance process.

Investigative Report

Upon conclusion of the investigation and distribution of the investigative report to the parties, the matter will proceed to the hearing stage of the grievance process. The hearing will be offered live, in real-time and will include cross-examination. A Decision-maker(s) will be appointed to preside over the hearing, evaluate the evidence and make a determination as to each allegation in the complaint. Investigators, Title IX Coordinator (or designee) or advisors are prohibited from serving as Decision-makers. The Decision-maker may be an institution employee or outside contractor appointed by the Title IX Coordinator. Regardless, they will be appropriately trained, including on how to make a trauma-informed response, with such training coordinated by the Title IX Coordinator. The Title IX Coordinator will inform the parties of the Decision-maker's identity. Within five (5) calendar days after the notification, the parties may request the Decision-maker's disqualification because of bias or conflict of interest. The Title IX Coordinator shall have sole discretion to decide whether an actual bias or conflict of interest exists. Employment or affiliation with the institution, or prior work as a contractor, on its own, does not warrant disqualification. Similarly, the Decision-maker's gender, gender identity, race, ethnicity, religion, sexual orientation or similar identifying characteristic, or the fact that they differ from those of any party, do not, on their own, warrant disqualification.

- The Institute reserves the right to adopt any hearing protocols, which will be applied and be made available equally to both parties, to ensure the efficiency, order and decorum of the hearing process. Any such protocols will be provided in writing to the parties, witnesses, and participating individuals at least ten (10) days prior to the scheduled hearing date.
- The Institute may designate an administrative facilitator of the hearing, which may include the Title IX Coordinator, as long as they do not have a conflict of interest.
- The Institute may conduct the hearing virtually at its discretion or upon request of a party. Request for remote participation by any party or witness should be directed to the Title IX Coordinator made at least five (5) business days prior to the hearing.
- The Decision-maker may question the parties and any witness at the hearing.
- Only relevant questions, testimony and evidence may be proffered at the hearing, and the Decision-maker will make determinations as to relevancy of every question posed by an advisor during cross-examination before it is answered, and of any evidence offered. The hearing does not consider the following which are deemed not relevant: 1) incidents not directly related to the possible violation, unless they evidence a pattern; or 2) questions and evidence about the Complainant's sexual predisposition or prior sexual behavior, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.
- Privileged evidence or testimony, likewise, may not be proffered during the hearing, without a party's waiver and written consent allowing its consideration at the hearing.
- Parties may not conduct cross-examination. Advisors only will conduct cross-exam on a party's behalf. If a party does not have an Advisor present at the live hearing, the Institute will provide without fee or charge to that party, an Advisor of the Institute's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party. Only relevant questions will be allowed.
- If a party or witness does not attend or chooses not to submit to cross-examination at the hearing, the Decision-maker may not rely on any prior statement made by that party or witness in the ultimate determination of responsibility, provided however, that the Decision-maker(s) may not draw any inference solely from a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.
- Parties, advisors, witnesses, and all participating individuals are expected to behave respectfully during the hearing. Harassing, intimidating or disruptive behavior will not be tolerated, and the Institute reserves the right to exclude anyone from participation in the process that fails to comport themselves accordingly.
- An audio or audiovisual recording, or transcript will be made of the hearing, and will be made available to the parties for inspection and review. No other recording of the hearing will be allowed.

False Allegations and Evidence

Making deliberately false and/or malicious accusations, knowingly providing false evidence, tampering with or destroying evidence, or deliberately misleading an official conducting an investigation are policy violations subject to discipline.

Final Determination as to Responsibility and Standard of Proof

Upon completion of the hearing, the Decision-maker will deliberate privately and will render a finding as to each allegation in the Complaint by applying the preponderance of the evidence – whether it is more likely than not that the Respondent violated the Policy as alleged. The decision will be provided simultaneously to the parties through the issuance of a written determination letter, delivered by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official the Institute records, or emailed to the parties' email or otherwise approved account. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

The determination letter will include:

1. Identification of the allegations potentially constituting sexual harassment as defined under the Policy;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits methods used to gather evidence, and hearing held;
3. Findings of fact supporting the determination;
4. Conclusions regarding application of the Institute's code of conduct to the facts;
5. A statement, and rationale for, the results as to each allegation, including a determination regarding responsibility, and disciplinary sanctions the Institute imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the Institute's education program or activity will be provided by the Institute to the Complainant; and
6. The Institute's permissible bases for the Complainant and Respondent to appeal.

The determination regarding responsibility becomes final either on the date that the Institute provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Sanctions/Disciplinary Actions and Remedies

Factors considered when determining a sanction or other disciplinary action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation;
- An individual's disciplinary history;
- Class standing (hours earned) where necessary to determine the impact of the sanction on the Complainant, Respondent, or Institute's community. The academic records of the parties shall not be considered in determining sanctions;
- Previous allegations involving similar conduct;
- Completion of required training related to this Policy;
- The need for sanctions to bring an end to the sexual harassment and/or retaliation;
- The need for sanctions/responsive actions to prevent the future recurrence of sexual harassment and/or retaliation; and
- The need to remedy the effects of the sexual harassment and/or retaliation on the victim and the community.
- The following are the possible sanctions that will be imposed upon individuals who are found to be responsible for specific violations of the Policy. The sanctions listed below may be imposed singularly or in combination and second or subsequent offenses will receive more severe sanction. Possible sanctions include, but are not limited to:
 - Warning
 - Disciplinary probation
 - Training

- Mandatory counseling/coaching
- Censure: a formal written reprimand for Policy violation placed in the Respondent's file
- Exclusion from participation in certain activities for specified period
- Termination/Expulsion
- Revocation of admission
- Other appropriate corrective action – in addition to or in place of the above sanctions, the Institute may impose any other sanction as deemed appropriate.

The Decision-maker may also decide to provide remedies to the Complainant. Remedies must be designed to restore or preserve equal access to the Institute's programs and activities. Such remedies may include the same individualized services described in this Policy as "supportive measures"; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

Appeals

The Respondent and the Complainant may appeal the Institute's closure or dismissal of a complaint or allegations therein, as well as the Decision-maker's final determination of responsibility and/or sanctions or discipline. The Institute will implement the appeal procedures equally for both parties and will use the preponderance of the evidence standard for its determination.

All appeals must be submitted in writing to the Title IX coordinator within five (5) business Days of the receipt of the written decision rendered. The Title IX Coordinator will refer only timely and appealable matters to an Appeal Officer. If the Title IX Coordinator determines that the matter cannot be appealed, he or she will provide notice to the requesting party. If the matter is referred for an appeal, the Title IX Coordinator will then disclose, the Appeal Officer's identity to the person making the appeal.

After the Appeal Officer has been selected and the matter is assigned, the Appeal Officer will notify both parties in writing of the appeal and its basis. Both parties may submit a written statement supporting or challenging the matter's outcome. When an appeal is filed by one party, the Institute will notify the other party in writing that an appeal has been filed. An appeal must be based on one or more of the following grounds:

1. Procedural Error: A procedural error occurred that affected the outcome of the investigation, including the findings and/or sanctions or discipline. A description of the error and its impact on the outcome of the case must be included in the written appeal.
2. New Evidence: New evidence that was not reasonably available at the time that the determination of responsibility was made and that could affect the outcome of the case, including the findings and/or sanctions. Information that was known to the Complainant or Respondent during the investigation, but which he or she chose not to present, is not new evidence. A summary of this new evidence and its potential impact on the investigation findings and/or sanctions must be included in the written appeal.
3. Conflict of Interest or Bias: The Title IX Coordinator, Investigator(s), or a Decision-maker had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

There are no other grounds for appealing a final determination. Appeals are not intended to be a full rehearing of the Complaint. Appeals will not include a hearing. The parties will be given a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome of the investigation. A decision on the merits will be based on information provided in the appeal document. If an appeal is based on the availability of new evidence, this evidence must be described with specificity and must be available for review within a reasonably prompt timeframe for consideration. Title IX personnel with prior involvement in the matter will not be permitted to serve as an Appeal Officer in the appeal. After reviewing the written appeal, the Appeal Officer has the sole discretion to deny or grant the appeal, and, if granted, order a new hearing or refer the case back to the Decision-maker with instructions. The Appeal Officer, if the appeal is granted, may order the Title IX Coordinator to reopen a dismissed case. The appeal outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration, and the rationale supporting the findings. Appeal decisions will be made within seven (7) business days, barring exigent circumstances, including the review of new evidence not immediately available for submission with the appeal request.

Notification of the appeal outcome will be made in writing and will be delivered simultaneously to the parties by one or more of the following methods: in person, mailed to the local or permanent address of the parties as indicated in official Institute's records, or emailed to the parties' email or otherwise approved account. Once mailed, e-mailed and/or received in-person, notice will be presumptively delivered. All appeal decisions are final.

Records

The Title IX Coordinator maintain detailed records of each matter, including individuals involved, investigative steps taken, documentation received, individuals interviewed, decisions reached, and reason(s) for the decisions reached. Complaints and information gathered in the course of an investigation will be kept private to the extent permitted by law. For allegations of Title IX Sexual Harassment, the Institute will maintain records for a period of seven years of:

- Reports or Formal Complaints alleging sexual discrimination, including harassment.
- Records of any dismissal of a Formal Complaint.
- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation;
- Any disciplinary sanctions imposed on the Respondent;
- Any Remedies implemented by the Institute designed to restore or preserve equal access to the Institute's education program or activity;
- Any appeal and the result therefrom;
- Any Informal Resolution and the result therefrom;
- All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. The Institute will make these training materials publicly available on the Institute's website; and
- Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including:
- The basis for all conclusions that the response was not deliberately indifferent;
- Any measures designed to restore or preserve equal access to the Institute's education program or activity; and
- If no supportive measures were provided, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Training

The Institute shall take steps to ensure that any individual designated as a Title IX Coordinator, Investigator, Decision-maker, or any person designated by a recipient to facilitate an Informal Resolution process, receive training as required by the final Title IX regulations. The training materials must not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints of sexual harassment. The Institute will post the training materials on its website.

Revision of this Policy

This Policy and procedures supersede any previous policy(ies) addressing harassment, sexual misconduct, discrimination, and/or retaliation under Title IX and will be reviewed and updated subject to any relevant change in law or Institute policy, and on a recurring periodic basis, by the Title IX Coordinator. The Institute reserves the right to make changes to this Policy as necessary, which become effective when published. This Policy and procedures are effective as of August 13, 2020.

Definitions

In addition to those terms defined above, the following terms also apply to this Policy:

- Actual Notice: Notice of violations of this Policy or allegations of violations to this Policy to a Institute's Title IX Coordinator or any official of the Institute who has authority to institute corrective measures on behalf of the Institute. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only official of the Institute with actual knowledge is the Respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the Institute. "Notice" as used in this paragraph includes, but is not limited to, a Report to the Title IX Coordinator.
- Advisor: A party may choose to have another individual accompany them to meetings with the Investigator(s), or to a hearing. The advisor of choice may be, but is not required to be, an attorney,
- Complainant: A person or entity who is alleged to be the victim of conduct that could constitute a violation of this Policy.

- **Complaint or Formal Complaint:** A document filed by a Complainant, or signed by the Title IX Coordinator, that alleges a potential violation of this Policy and requests that the Institute investigate the allegation or allegations. The phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the formal Complaint. At the time of filing a Complaint, a Complainant must be participating in or attempting to participate in the education program or activity of the Institute.
- **Decision-maker(s):** A trained individual with responsibility for making a Final Determination as set forth in the Institute’s grievance process. A Decision-maker must maintain neutrality and cannot perform the function of either the Title IX Coordinator or Investigator.
- **Education Program or Activity:** Any location, event, or circumstance over which the Institute exercises substantial control over both the Respondent and the context in which the alleged violation of this Policy occurs, and also includes any building owned or controlled by a student organization that is officially recognized by the Institute.
- **Final Determination:** A decision rendered and provided in writing to the parties of a Formal Complaint after application of the Institute’s grievance process concluding whether or not Respondent is responsible for conduct alleged within a Formal Complaint in violation of this Policy.
- **Finding:** A conclusion within the Final Determination as evaluated under the burden of proof that a specific allegation within a Formal Complaint did or did not occur.
- **Formal Grievance Process:** The method of formal resolution designated by the Institute to address conduct that falls within the scope of this Policy, and which complies with the requirements of 34 CFR Part 106.45.
- **Investigator:** A trained individual responsible for fulfilling the Institute’s burden of gathering and evaluating all evidence related to allegations within a Formal Complaint as required under this Policy.
- **Official with Authority:** An employee of the Institute explicitly vested with the responsibility to implement corrective measures for sexual harassment and/or retaliation.
- **Preponderance of the Evidence Standard:** Evidence is such that it would persuade a reasonable person that a proposition is more probably true than not true. A finding that is “more likely than not” to be true would satisfy this standard.
- **Remedies:** Post-Finding actions directed to the Complainant and/or the community implemented to address safety, prevent the recurrence of harassment, and ensure continued access to the Institute’s educational program.
- **Report:** Any report to the Title IX Coordinator, and/or any employee with the authority to take corrective action on behalf of the Institute (as defined above) of information that could constitute a potential violation of this Policy. The term “report” includes Complaints.
- **Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute a violation of this Policy.
- **Sanction:** A disciplinary consequence imposed by the Institute on a Respondent who is found to have violated this Policy.

Office of Civil Rights (OCR)

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