

STUDENT MISCONDUCT POLICY

Sexual Misconduct, Domestic Violence, Dating Violence, and Stalking Policy

Policy Statement

Deluxe Barber College is committed to maintaining an educational and working environment free from all forms of sex discrimination, including sexual misconduct, domestic violence, dating violence, sexual assault, and stalking. Such misconduct will not be tolerated. These acts not only violate a person's feelings of trust and safety but can also substantially interfere with a person's education or employment.

It is the policy of the Deluxe Barber College that, upon learning that an act of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking has occurred, prompt and appropriate remedial action reasonably calculated to stop the misconduct shall be taken. Disciplinary sanctions for any student or employee of Deluxe Barber College engaging in conduct prohibited under this policy includes the suspension or dismissal/expulsion of students, the suspension or termination of employment or other appropriate disciplinary action such as warnings, reprimands and educational sanctions, as well as possible referral for criminal investigation and prosecution under Texas law.

Notice of Nondiscrimination

As a recipient of federal funds, all students and employees of Deluxe Barber College is required to comply with Title IX of the Higher Education Amendments Act of 1972 ("Title IX"). In accordance with Title IX, as well as applicable state and federal law, Deluxe Barber College prohibits discrimination on the basis of sex in its education programs and activities, admission, and employment. Prohibited sex discrimination includes sexual harassment, as defined in the policy.

Reporting: Deluxe Barber College encourages, its student and employee the prompt and accurate reporting of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking. This allows the school to respond quickly to allegations and offer support to individuals who may have been subjected to these forms of misconduct. Deluxe Barber College is committed to protecting the confidentiality of victims, wherever possible, and will work closely with individuals seeking confidential assistance regarding misconduct under this policy. Certain professionals are permitted by law to offer confidentiality. All allegations will be investigated promptly and thoroughly, and both the accuser and the accused will be afforded equal rights during the investigatory and adjudicatory process.

The length of time between an incident and making a report of misconduct under this policy will not affect the willingness of Deluxe Barber College to investigate the allegations or provide support and other services to the individual reporting the conduct. However, a prompt report will enhance the school's ability to conduct an investigation and the effectiveness of any criminal or Deluxe Barber College adjudicatory process. Therefore, Deluxe Barber College strongly encourages individuals to report incidents of misconduct immediately following their occurrence.

Definitions:

A. Clery Act Crimes

The definitions of dating violence, domestic violence, sexual assault, and stalking used in this policy are consistent with the Clery Act. In its primary prevention and awareness programs for incoming students and new employees, as well as in its primary prevention and awareness programs for students and employees. Deluxe Barber College shall include the definitions of dating violence, domestic violence, sexual assault, and stalking under the criminal law of Texas.

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.

(i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(ii) For the purposes of this definition—

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence." (34 C.F.R. § 668.46(a)

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. It is also a violation of Deluxe Barber College policy and is prohibited.

Domestic Violence: "A felony or misdemeanor crime of violence committed

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred." (34 C.F.R. § 668.46(a)

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. It is also a violation of Deluxe Barber College policy and is prohibited.

Examples of domestic violence and dating violence behaviors or activities directed against a family member, a household member, or a person one is dating or has dated include, but are not limited to:

- violence or threats of violence (even in the absence of bodily injury);
- negligent or reckless use of physical force;
- conduct that may reasonably be expected to exploit or coerce another;
- restraint;
- prevention of another's ability to communicate or move freely by the use of threats, intimidation, abuse or physical force;
- unauthorized entry and, specifically, uninvited threatening presence in another's room or office; and
- other conduct intended to intimidate, manipulate, humiliate, terrorize, or isolate the other person. Domestic violence and dating violence can be a single act or a pattern of behavior in a relationship. Engaging in such behaviors or activities is a violation of Deluxe Barber College policy and is prohibited.

Sexual Assault: "An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program" (34 C.F.R. § 668.46(a).) The Federal Bureau of Investigation's Uniform Crime Reporting Program defines these offenses as follows:

Rape: "The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim." (Appendix A to Subpart D of 34 CFR Part 668.)

- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental
- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent." (Appendix A to Subpart D of 34 C.F.R. Part 668.)

Sexual assault can be committed by any person against another person, regardless of gender, gender identity, sexual orientation, or past or current relationship status. Sexual assault may occur with or without physical resistance or violence.

Any incident meeting one or more of these definitions is considered a crime for the purposes of Clery Act reporting. It is also a violation of Deluxe Barber College and is prohibited.

Stalking: "(I) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

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

For purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling." (34 C.F.R. § 668.46(a)

Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting. It is also a violation of Deluxe Barber College policy and is prohibited.

Examples of **stalking** behaviors or activities, when conducted in connection with the above definition, include, but are not limited to:

- non-consensual communication, including face-to-face communication, telephone calls, voice messages, e-mails, text messages, written letters, gifts, or any other communications that are unwellcome;
- use of online, electronic or digital technologies, such as posting pictures or text in chat rooms or on websites, sending unwanted or unsolicited e-mail or talk requests, posting private or public messages on Internet sites, social networks, and/or installing spyware on a person's computer, or using Global Positioning Systems (GPS) or similar technology to monitor a person;
- pursuing, following, waiting for, or showing up uninvited at or near a residence, workplace, classroom, or other places frequented by the person;
- surveillance or other types of observation, including staring and voyeurism;
- trespassing;
- vandalism;
- non-consensual touching;
- direct verbal or physical threats against a person or a person's family member, pet or personal property;
- gathering information about a person from friends, family, or co-workers;
- accessing private information through unauthorized means;
- threats to harm self or others;
- defamation and/or lying to others about the person; and
- using a third party or parties to accomplish any of the above.

Engaging in such stalking behaviors or activities is a violation of Deluxe Barber College policy and is prohibited.

Sanctions

Violation of the prohibitions set forth in this policy is grounds for discipline up to and including the dismissal/expulsion of **students** or the termination of **employees**. Generally, the range of sanctions for Students includes verbal and written warnings, written Generally, the range of sanctions for employees includes verbal warnings, written warnings, written reprimands, probation, suspension, termination of employment, or other action determined to be appropriate under the circumstances.

Deluxe Barber College goals in responding to complaints of sexual misconduct, domestic violence, dating violence, sexual assault, and stalking are to promote the safety of the students and employee, to address the misconduct, and to prevent it from recurring. A person (whether a victim of misconduct under this policy or someone with knowledge of such an incident) **should be deterred** from reporting a violation of this policy because alcohol, drugs, or other violations of **Deluxe Barber College** policies were involved in the incident. Misconduct that does not meet the definition of sexual misconduct, domestic violence, dating violence, sexual assault, or stalking may violate other **Deluxe Barber College** policies, student handbooks, codes of conduct. Where related misconduct involves a combination of elements of alleged sexual assault, domestic violence, dating violence, sexual assault, or stalking and other types of sexual misconduct, it will be handled under the procedures adopted in connection with this policy.