

SEXUAL HARRASSMENT

Delaware Learning Institute of Cosmetology believes that every student should learn in an environment free from sexual harassment. Sexual harassment is prohibited and we have a zero tolerance policy. Sexual harassment includes a wide range of unwanted sexual behavior, whether committed by the same or opposite sex. It is any unwelcome sexual advance, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- 1.) Submission to the conduct made, explicitly or implicitly, a term or condition of admission and/or continued attendance;
- 2.) Submission to or rejection of the conduct is used as the basis for admissions decisions
- 3.) The conduct has the purpose or effect of unreasonably interfering with the student's school performance or creating an intimidating, hostile or offensive school environment. While it is Delaware Learning Institute's intent to regulate students' social interactions or relationships freely entered into, sexual harassment in any form is prohibited. In addition, fraternization between both faculty/students and administration/students is strictly prohibited. Any student who believes she/he is being subjected to sexual harassment should feel free to object to the behavior and the incident should immediately be reported to your instructor or an administrative staff person. Complaints against an instructor or an administrative staff person should immediately be reported to the School Director. All complaints of sexual harassment will be promptly investigated, and if warranted, swift, appropriate corrective action will be taken. No retaliation will be taken against a student making a complaint in good faith. Students who choose to engage in inappropriate and prohibited behavior, despite this policy, are subject to discipline up to and including termination from school and/or involvement of the local authorities. All faculty and staff are responsible to relate any received complaints immediately to the School Director. Any faculty and/or staff who knowingly allow or tolerate sexual harassment are in violation of this policy and are subject to disciplinary action, up to and including termination from employment. The School Director will investigate all complaints promptly and appropriately. The facts will determine the response to each complaint. Each situation will be handled discreetly and information will be shared only on a need-to-know basis. If a student believes she/he has not received proper treatment in accordance with the policy, whether by another student, faculty member or administrative staff person, she/he should immediately contact the School Director.

SEXUAL ASSAULT, RAPE OR MISCONDUCT

The School is committed to providing a learning environment free of all forms of abuse, harassment, or coercive conduct. The School adheres to the notion that any expression of behavior must conform with and affirm the integrity, dignity, health, and safety of oneself and others. That includes behavior in the realm of human sexuality. Sexual assault is a crime. It is also an issue of justice and each act harms not just an individual but the School community generally. The School does not tolerate sexual assault or misconduct in any form or to any degree. The School has an array of public safety, medical, psychological, administrative, and disciplinary services available for referral to students reporting instances of sexual assault or misconduct. The School's policy and procedures regarding sexual misconduct seek to achieve the following goals:

- To provide prompt, professional, and attentive support services to reduce the sexual assault victim's trauma and alleviate suffering
- To provide a comprehensive framework in which the needs and decisions of the victim, duly informed, are central in determining further administrative response and assistance
- To create a campus climate that facilitates prompt reporting of assaults
- To facilitate, in cooperation with the local law enforcement, the apprehension of assailants when acts of misconduct or assault are committed
- To cultivate a campus climate of education and attention where incidence of assault and misconduct are avoided through preventative measure, training, and thoughtful discourse
- To protect the rights of the victim of an assault

Violations

The School undertakes inquires and disciplinary hearings and renders disciplinary sanctions regarding sexual assault or misconduct in a noncriminal context. Although the definitions utilized by The School may be similar to those set forth in the penal code and/or used in a criminal court system, they are specific to The School and limited to the meaning given to them by The School. An act which might not be criminally prosecuted under either state or federal law may still violate the policies of The School. The School disciplinary jurisdiction is limited to conduct which occurs on campus, Rape: At the School, rape is any sexual penetration (anal, oral, or vaginal), however slight, with any object or sexual intercourse between individuals without effective consent. Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger, or object and also includes oral copulation by mouth to genital contact or genital to mouth contact. Attempted rape is also prohibited under this policy.

Sexual Assault

At The School, sexual assault is any sexual touching, however slight, with any object or with any part of the body without effective consent. Sexual assault also includes disrobing or otherwise exposing oneself to another without consent, Attempted sexual assault is also prohibited under this policy.

Sexual Exploitation:

At The School, sexual exploitation occurs when a student takes nonconsensual, unjust, or abusive sexual advantage of another for his/her own benefit or for the benefit of anyone other than the one being exploited, and that behavior does not otherwise constitute rape, sexual assault, or sexual harassment. Examples of sexual exploitation include but are not limited to, prostitution, videotaping without knowledge and consent of all parties, peeping tom, transmission of HIV or SID, or inducing incapacitation with the intent to rape or sexually assault regardless of whether sexual activity actually takes place.

Consent: At The School, effective consent is informed consent which freely and actively

given; it is mutually understandable words or actions indicating a willingness to do the same thing, at the time, in the same way with each other. Mutually understandable consent is almost always viewed under an objective, reasonable person standard. The only context in which mutually understandable consent would be viewed under a subjective standard is in the instance of a long standing relationship where a couple has established patterns of communicating consent, but even then there must still be evidence of free and knowing participation to establish consent. Consent which is obtained through the use of fraud, force (actual or implied), threats, intimidation, or coercion is ineffective consent. Consent may never be given by a minor (in Connecticut, those not yet 18 years of age). Mentally disabled persons cannot give effective consent to sexual activity. Physically incapacitated persons cannot give consent. One who is physically incapacitated as a result of alcohol or other drug consumption (voluntary or involuntary) or who is unconscious, unaware, or otherwise physically helpless, is incapable of giving consent.

Sexual Harassment

At The School, sexual harassment includes unwelcome sexual advance, direct or indirect sexual demands, request for sexual favors, sexual comments, gestures, or other physical actions of a sexual nature, when:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's educational success
- Submission to or rejection of such conduct by an individual is used as the basis for educational decisions affecting the individual
- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic performance or creating an intimidating, hostile, or offensive working, living, or educational environment.

For more information regarding sexual harassment, students are encouraged to seek out the assistance of the School Director or School owner on what to do if you have been assaulted. The School strongly encourages students to report incidences of rape, sexual assault, and sexual misconduct. Trained professionals and support services are available to assist students and anyone else impacted by such events. Resources exist off campus. The wishes of the victim of an assault or misconduct will guide how incidents are handled. If a student is in IMMEDIATE DANGER they should get to a safe place and DIAL 911 for the local Police Department. Similarly, if a student is hurt and in need of medical attention, they should dial 911. The school will be able to review options with the victim and assist in facilitating contact with any other resource or service the victim may need and desire.

Depending on the student's wishes and the circumstances, the Director will facilitate the following services which include, but are not limited to:

- Obtaining medical attention at a hospital
- Filing a Confidential Crime Report
- Filing an Incident Report with the School Administration
- Filing a Criminal Report with the local police department
- Contacting a clergy member
- Issuance of a "Timely Warning" alert to the campus community.
- Often times, the first person a sexual assault victim will turn to is a friend or trusted member of the staff. If a student tells a staff member about the sexual offense, the staff member must tell the School Director. The School Director consults with the student to determine his/her wishes for support services.

For Third parties

If a student's friend has been assaulted or raped, they should;

- Listen and be supportive;
- Let the friend make his or her own choices;
- Resist touching the friend unless the student knows he or she welcomes it

Reporting Options

When a student is sexually assaulted, he/she has reporting options. Victims of sexual misconduct are encouraged, but not required to, file report. If a student elects to file a report, the student has reporting options available: (1) the filing of a Confidential Crime Report, (2) the filing of an Incident Report with the School Director; and (3) the filing of a Criminal Report with the local Police Department.

Confidential Crime Report:

A student may fill out or seek assistance in completing a Confidential Crime Report. A Confidential Crime Report does not contain the name of the victim or the offender. A Confidential Crime Report will be kept in the file of the School Director and recorded for purposes of the Jeanne Clery reporting disclosure requirements. Confidential Crime Reports allow The School to track reported incidents of sexual assault. Completing the Confidential Crime report does NOT constitute an incident report, a police report, or a student conduct report, and The School will NOT initiate investigatory or student conduct proceedings. The victim will NOT be contacted by The School unless the victim indicates a desire to be contacted.

Incident Report:

Sexual assault is a crime and is a violation of the rules and regulations of The School. As such, a student may always file a standard, formal Incident Report with the School Administration. An Incident Report will include the name of the student filing the report and the name of the alleged

offender, if known. Upon the filing of an Incident Report, The School Administration will conduct an investigation which will include notifying the local Police Department. Upon a finding of responsibility, The School will take disciplinary action against

the offender. The offender may also be prosecuted under state criminal statutes, and the victim may also sue the offender in a civil action. The results of these various actions are independent of each other. After the filing of an Incident Report, the student filing the report has the option to take no further action with respect to the investigation. In that instance, the student will be advised that The School may still take action regarding the alleged offender as The School has the responsibility to protect its students.

Criminal Report:

Sexual assault and rape are against the law in the STATE OF DELAWARE and may be prosecuted under state criminal and /or civil statutes. In that respect, and in addition to the reporting options listed above, students who have been sexually assaulted are encouraged to contact the local Police Department directly by calling 911. Filing a Criminal Report with the local Police Department isn't different than filing an Incident Report with the School Administration. If a student files a report, a Criminal investigation will occur and if the case will be referred for prosecution.

Confidentially

Students have the right to decide whether or not to report a rape, sexual assault, or other sexual misconduct. We recommend that students contact a School official as soon as possible. While The School is required by law (e.g., the Jeanne Clery Act) to report incidents of sexual assault, confidentiality laws may prohibit us from disclosing a victim's name or any other personal or identifying information. This means that a student's identity will be protected unless the student agrees otherwise. It is certainly understood the victims of sexual assault experience significant distress and may desire confidentiality. If a student desires confidential support following an incident, he or she is encouraged to seek out professional help through the local resources available as mentioned above. Students should be aware that School administrators must fulfill separate obligations as a matter of law. All personally identifiable information shall be kept confidential, but statistical information must be passed along to the School Administration regarding the type of incident and its general location (e.g., on campus or off campus) for inclusion in the annual crime statistic report, but no name will be used. The School will maintain the victim's confidentiality to the extent permitted by the law. However, The School reserves the right to investigate and pursue resolution of an incident when it is deemed necessary to protect the interests of members of the campus community. In addition, School administrators must issue timely warnings for incidents reported to them that continue to pose a substantial threat of bodily harm or danger to members of the School community.

Disciplinary Process

The School will initiate disciplinary action when an Incident Report is filed by a student alleging sexual misconduct. In most circumstances where rape or sexual assault is alleged, both the victim and the accused will meet separately with the School Director or School owner. When a determination of responsibility is made, the victim will be notified of the decision as well as sanctions assigned. In cases of rape and sexual assault, the typical sanction is dismissal or expulsion.

Sex Offender Registration

In compliance with the Campus Sex Prevention Act of 2000, members of the School community may search the following registries for information concerning registered sex offenders: National Sex Offender Public Website at www.nsopr.gov/