

**DELAWARE LEARNING INSTITUTE OF COSMETOLOGY**

**ANNUAL SECURITY REPORT**

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**[delawarecosmetology.com](http://delawarecosmetology.com)**

**Published April 26, 2019**

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## **DELAWARE LEARNING INSTITUTE OF COSMETOLOGY SAFETY & SECURITY INFORMATION**

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

### **A. Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the School Director constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The School Director will immediately notify the School community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring at the School, unless issuing a notification will compromise efforts to contain the emergency. The warning will be issued through the most effective and efficient means available and may include instant messaging to students and School employees. Notices may also be posted in the common areas throughout the School. Anyone with information warranting a timely warning should report the circumstances to the School Director by phone at (302) 732-6704 or in person at the School. The school will provide adequate follow-up information to the community as needed.

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

The School prepares this report to comply with the Clery Act. The full text of this report can be located on our web site at: [delawarecosmetology.com](http://delawarecosmetology.com). This report is prepared in cooperation with the local law enforcement agencies around our campus.

Campus crime, arrest and referral statistics include those reported to the Dagsboro Police, designated campus officials (including but not limited to the School Director), and other law enforcement agencies.

Each year notification is made to all enrolled students and employees that provides the web site to access this report. Copies of the report may also be obtained in person from the School Director or by calling (302) 732-6704. All prospective employees may obtain a copy from the School Director.

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

Delaware Learning Institute of Cosmetology encourages anyone who is the victim or witness to any crime or other emergency to report the incident as soon as possible. Contact the School Director at (302) 732-6704 (non-emergencies) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen loitering inside or around the School buildings should be reported to the School Director.

Reports may also be made to the School’s Campus Security Authorities, or CSAs. Under Federal law, the definition of CSAs include individuals/offices designated by the School as those to whom crimes should be reported; and officials with significant responsibility for student and campus activities. If a School staff member has “significant responsibility” for students and campus activities outside of the classroom, and students potentially could report a crime / incident to that staff member, then they are a CSA. CSAs are defined by function, not title. For the Delaware Learning Institute of Cosmetology, CSAs include the School’s President, School Director, Financial Aid Administrator and Lead Educator.

All incidents shall be recorded in the School’s incident file, located in the main office. The file includes the date, time, location, incident reported and disposition of incident and the name of the person who took report. The report must be entered in the file within two business days after it is reported to School official, unless that disclosure is prohibited by law.

For off campus options you may contact the Dagsboro Police Department at (302) 732-3777 for non-emergencies. You should always dial 9-1-1 for emergency situations.

The Dagsboro Police Department encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, the Dagsboro Police Department cannot hold reports of crime in confidence.

### **Duty to Warn**

In order to provide a safe environment, students have a duty to warn Delaware Learning Institute of Cosmetology staff of any violations of company policies, school rules and regulations, laws and/or to advise staff of any threat to the occupants of the School and/or company-owned properties. Timely warnings in a case of imminent danger will not constitute a violation of FERPA as allowed under the Clery Act.

### **D. Confidential Reporting**

Delaware Learning Institute of Cosmetology encourages anyone who is the victim or witness to any crime to report the incident as soon as possible. All reports will be investigated. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to the Campus Security Authorities as identified above. Violations of the law will be referred to the Dagsboro Police Department. When a potentially dangerous threat to the School community arises, timely reports or warnings will be issued through email messages, Facebook messenger, text messages, the posting of flyers in the School buildings, in-class announcements, or other appropriate means.

### **E. Access Policy**

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

Staff, faculty, students, and prospective students or any person entering the premises must have and display at all times a security identification badge. Those without an identification badge must sign in at the entrance and identify their purpose of visit, the person to be visited and register their time in and out of the building. The visitor must also wear a visitor's badge while on campus. When the school closes for the night, the school's official or supervisor will inspect the building to see that it is empty and then set the alarm and then lock down the campus. Other individuals present on School property at any time without the express permission of the appropriate School official(s) shall be viewed as trespassing and may as such be subject to a fine and/or arrest. In addition, students and employees present on School property during periods of non-operation without the express permission of the appropriate School official(s) shall also be viewed as trespassing and may also be subject to a fine and/or arrest.

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

The School's administration attempts to provide a safe, secure educational environment for all students and employees. The School does not provide security guards on its campus premises. The ultimate authority for law enforcement at the School is the local police department. The School does not have any written agreements with local police departments for the investigation of alleged criminal offenses. School officials have the authority to contact the local police to request assistance in preventing or reacting to crime within or in the immediate vicinity of school facilities. The School Director is the School's coordinator of security issues. The School Director is not authorized to arrest individuals but does have the authority to detain suspected criminal offenders if it is deemed safe to do so. If possible, the School Director shall attempt to non-violently deal with the crime or emergency with the appropriate agency. Individual discretion must be used, as undue risk should not be taken. The administration at the Delaware Learning Institute of Cosmetology has a strong, working relationship with the local police and work in partnership to offer students and employees the safest possible environment.

### **G. Security Awareness Programs**

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

The following is a description of policies, rules and programs designed to inform students and employees about the prevention of crimes on campus.

- Do not leave personal property in classrooms.
- Report any suspicious persons to your School official.
- Always try to walk in groups outside the School premises.
- If you are waiting for a ride, wait within sight of other people.
- Employees (staff and faculty) will close and lock all doors, windows and blinds and turn off lights when leaving a room
- The "Crime Awareness and Campus Security Act" is available upon request to students, employees (staff and faculty) and prospective students.
- The School has no formal program, other than orientation, that disseminates this information. Information is posted on the School's website, and all information is available on request.
- Information regarding any crimes committed on the campus or leased/attached properties (parking lot) will be available and posted in a conspicuous place within two (2) business days after the reporting of the crime and be available for sixty (60) business days during normal business hours, unless the disclosure is prohibited by law, would jeopardize the confidentiality of the victim or an ongoing criminal investigation, would jeopardize the safety of an individual, would cause a suspect to flee or evade detection, or would result in the destruction of evidence. Once the reason for the lack of disclosure is no longer in force, the institution must disclose the information. If there is a request for information that is older than sixty 60 days, that information must be made available within two (2) business days of the request.
- The institution does not offer regularly scheduled crime awareness or prevention programs other than orientation where all the institution's policies and regulations are properly disclosed to prospective students.

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

The Delaware Learning Institute of Cosmetology does not provide law enforcement services to off-campus activities on behalf of the School.

#### **I. Emergency Response Preparation and Evacuation**

Delaware Learning Institute of Cosmetology is committed to the safety and security of students, staff and visitors on its campus. Delaware Learning Institute of Cosmetology maintains this Emergency Response Preparation and Evacuation policy for the purpose of emergency mitigation/prevention, preparedness, response, and recovery procedures relevant to natural and human-caused disasters. We commit the School's resources to ongoing training, exercises and maintenance required to keep it current.

#### **Emergency Notification**

Students and staff members are required to provide three types of communication for contact in the event of a significant emergency situation.

Students and staff will be notified of significant emergency situations that require the School to be closed for the day, evening, and/or extended periods of time.

In the event of a significant emergency situation involving an immediate threat to the health or safety of students or staff, the School will make every effort to notify all parties within 20 minutes of the determination. In an effort to ensure the timeliness of notification to students and staff of a significant emergency situation, personal contact information changes should be communicated to the School Director as soon as possible.

#### **Safety and Crime Prevention**

All buildings used by Delaware Learning Institute of Cosmetology are equipped with fire safety equipment, including but not limited to fire extinguishers and fire alarms. In some cases smoke detectors, sprinklers and/or security alarm systems are also present. In our effort to provide a safe and protective environment, Delaware Learning Institute of Cosmetology students and staff are encouraged to educate themselves on basic safety and crime prevention practices.

**Before an emergency occurs:**

- **KNOW** the established emergency procedures for your building and work area.
- **KNOW** the hazards of any materials or equipment in your building and work area and the precautions to take to avoid or minimize associated risk.
- **KNOW** two means of exits from your area.
- **KNOW** the locations of fire alarm pull stations.
- **KNOW** the locations of portable fire extinguishers and how to use them.
- **KNOW** the location of the nearest first-aid kit.

**Emergency Evacuation**

In the event of an emergency evacuation the Campus Security Authorities will go to each room, announce the evacuation, direct all occupants to exit the building via the nearest exit and instruct all to meet at the designated area outside of the building.

Designated meeting areas:

\* Parking lot across from Kidz Academy, closest to the green field.

Campus Security Authorities will exit the building after they have ensured the building has been successfully evacuated by all students, guests and staff.

**Lockdown**

When there is a threat of violence or serious incident that could jeopardize the safety of students, staff and/or guests, then a Campus Security Authority will initiate the lockdown procedure. Students, staff, and guests are directed to return to the nearest classroom or office and lock the doors. Alarms and bells for evacuation should be ignored unless otherwise advised.

The Campus Security Authorities will contact the local police officials and will provide further instruction based on counsel from the local law enforcement and/or emergency response authorities.

**Fire and/or Fire Alarm**

When there is a fire or the fire alarm sounds, an immediate evacuation of the School will occur. The Campus Security Authorities will initiate evacuation procedures as indicated under Emergency Evacuation procedures, above. All parties will be instructed to meet at the designated area outside the building.

The School Director and/or another designated CSA will contact 911 immediately as well as local fire officials. The School Director and/or designated CSA will meet with the Fire Department and wait for clearance to re-enter the building. Re-entry of the building will only occur when the Fire Department has granted permission to do so.

**Utility Loss or Failure**

In the event of a gas leak the School Director and/or other designated CSA will call 911 to inform local authorities of the leak and initiate an Emergency Evacuation. See guidelines for Emergency Evacuation, above.

In the event of a power outage, students and staff are directed to remain in their designated areas until further instruction from the School Director and/or other designated CSA. The School Director or CSA will contact the local utility company and will determine the anticipated duration of the outage.

**Weather-Related Closures**

Delaware Learning Institute of Cosmetology does not typically close for weather-related conditions. However, when there is a serious weather or other emergency that causes retail businesses and schools to close, the School may temporarily close. Closures will be determined by 7:00 a.m. for day classes and 4:00 p.m. for evening classes. An announcement will be placed on the School's website and social media accounts. Every attempt will be made to announce closings with TV Station WBOC, Channel 16.

**Tornado/Hurricane**

When the National Weather Service has issued a tornado or hurricane warning, or a tornado has been sighted in the area, students and staff are directed to go to an interior hallway or classroom on a lower floor and away from windows.

### **Earthquake**

In the event of an earthquake, and when you first feel shaking, immediately take cover under something sturdy—a desk or table, for example. When the initial shock is over, students and staff should evacuate the building. See Emergency Evacuation guidelines, above.

### **Bomb Threat**

Any bomb threat should be taken seriously. If you receive a written bomb threat, do not handle it more than necessary and place it in an envelope to preserve any fingerprints. Notify the School Director and/or CSA and local police immediately. The School Director and/or CSA will also contact the proper law enforcement and public safety officials.

If you receive a telephoned threat, you should notify another person if possible by writing a note, indicating the call is a bomb threat. The other person can then inform local police and the School Director. Note the exact time of the call and attempt to write down the exact words of the caller. Ask the caller to repeat information. Get as much information as possible by asking when the bomb is going to explode, what kind of bomb it is, where it is located, and what it looks like. Give all information to local police when they arrive. The School Director and/or CSA will provide further instruction based on counsel from local law enforcement and public safety authorities. If an evacuation is determined, see Emergency Evacuation guidelines, above.

### **Medical Emergency**

In the event of a medical emergency, contact the local emergency medical services immediately by dialing 911. Notify the School Director and/or another CSA. The School Director or CSA will assess the situation, assign a staff member to remain with the injured or sick person, and assign a second staff member to meet emergency medical service responders and lead them to the injured or sick person.

### **Chemical Contact**

In the ordinary, day-to-day activity of the beauty school environment, you will come in contact with various chemicals both by breathing and dermal intake. Some of the chemicals include, but are not limited to: acetone, ethyl, acetate, ethyl methacrylate, alcohol, thioglycolic acid, methacrylic acid, aerosols and many others. You may come in contact with these chemicals via providing services to others or by receiving services yourself and in some cases, by simply watching technical demonstrations.

These chemicals may create allergic reactions in some people. We recommend that you check with your physician if you have known allergies or health-related problems such as asthma, emphysema, pregnancy and other miscellaneous conditions that could be affected by exposure to and working with these chemicals.

The School maintains Material Safety Data Sheets (MSDS) for chemical products. MSDS binders are located in the dispensary area. Students and staff are directed to familiarize themselves with this information.

### **Structural Failure**

In the event of a structural damage and/or failure, students, staff and guests are directed to vacate the affected area. In the event of a collapse, all persons in the affected area are directed to, DROP, COVER, and HOLD. The School Director and/or CSA will make a determination for evacuation based on the severity and scope of the failure. If an evacuation is determined follow the Emergency Evacuation guidelines above. The School Director and/or CSA will contact local authorities.

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

It is the responsibility of all faculty and staff to alert the School Director of any and all conditions that could potentially pose a fire hazard or other unsafe condition in or around the building. No smoking is permitted in the building and flammable chemicals are confined and stored in a locked area, meeting all OSHA requirements. Good housekeeping practices will be the responsibility of all faculty, staff and students.

Waste materials are to be discarded in their proper places and all aisles, doorways, hallways and exit doors are to be kept clear at all times.

#### **K. Alcoholic Beverages or Controlled Substances**

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

#### **L. Alcohol and Substance Abuse Education**

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

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

Local mental health and substance abuse services are available at:

#### **Drug Counseling, Rehabilitation & Assistance Programs**

24 Hour National addiction Hotline **1.800.559.9503**

#### **Sussex County Counseling Service**

20728 Dupont Blvd #313, Georgetown, DE 19947

Phone: **(302) 854-0172**

Additional information about drug and alcohol abuse, health risks, addiction and prevention can be accessed at the National School on Alcohol Abuse and Alcoholism ([www.Schooldrinkingprevention.gov](http://www.Schooldrinkingprevention.gov)) as well as the National School on Drug Abuse ([www.drugabuse.gov/DrugPages/DrugsOfAbuse.html](http://www.drugabuse.gov/DrugPages/DrugsOfAbuse.html)).

#### **M. Sexual Misconduct Policies & Procedures**

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

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

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

**N. Sexual Offender Registration**

In accordance to the Campus Sex Crimes Prevention Act of 2000, the Clery Act, and the Family Rights and Privacy Act of 1974, the School is providing information for where students and employees may obtain information regarding registered sex offenders. The Delaware Sex Offenders Registry may be found at <https://sexoffender.dsp.delaware.gov>. The Campus Sex Crimes Prevention Act requires institutions of higher education to provide a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders can be obtained.

**DELAWARE LEARNING INSTITUTE OF COSMETOLOGY  
CAMPUS CRIME REPORT**

The School Director prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The report is prepared in cooperation with the local law enforcement agencies surrounding our campus. Campus crime, arrest, and referral statistics include those reported to the School Director and local law enforcement agencies. Copies of the report may be obtained in the School Director's Office or by calling (302) 732-6704. All prospective employees may obtain a copy from the School Director or by calling (302) 732-6704.

**To Report A Crime:** Contact the School Director at (302) 732-6704 (non-emergencies) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen loitering inside or around the School buildings should be reported to the School Director. In addition, you may report a crime to the Front Office at (302) 732-6704.

Offense	On Campus			Non Campus			Public Property		
	2015	2016	2017	2015	2016	2017	2015	2016	2017
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
<b>VAWA Offenses</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>Arrests &amp; Disciplinary Referrals</b>									
Liquor Law Arrests	0	0	0	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0
Drug Law Arrests Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Arrests	0	0	0	0	0	0	0	0	0
Illegal Weapons Possession Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0

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

## **DELAWARE LEARNING INSTITUTE OF COSMETOLOGY DRUG FREE SCHOOL POLICY**

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

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

- Use illegal drugs or misuse prescription drugs;
- Misuse alcohol;
- Possess, trade, manufacture, distribute, dispense, buy or offer for sale alcohol, illegal and/or prescription drugs while on duty, during break periods, or on School property;
- Arrive or return to School intoxicated from use of illegal drugs, misused prescription drugs or alcohol;
- Engage in the use of illegal drugs, misuse of prescription drugs or alcohol during School hours or while on School property (including parking lots);
- Use prescription drugs or non-prescription drugs that may affect the safety of the student or fellow students, and members of the public;

Any student who is taking any prescription or non-prescription drug which might impair safety, performance, or any motor functions must advise his/her Instructor or the School Director before providing services under such medication.

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

### **Drug and Alcohol Abuse Policy Statement**

In accordance with the Drug-Free Workplace Act of 1988 (P.L. 100-690), the Drug-Free Schools and Communities Act of 1989 (P.L. 101-226) and 34 Code of Federal Regulation Part 85, Subpart F, the School is committed to maintaining a drug-free workplace and a drug-free school. Drug and alcohol abuse can lead to liver, heart and other chronic diseases, low birth weight, birth defects and infant mortality in expectant mothers, and death. The unlawful manufacture, distribution, dispensing, possession or use of drugs, alcohol or other controlled substances at this institution is strictly prohibited. Students and employees are required, as a condition of enrollment and/or employment, to abide by this policy.

To the extent allowed by local, state and federal laws, the School will impose disciplinary action against students and employees for violating these standards of conduct. These actions may include suspension, expulsion, and termination of employment, referral for prosecution and/or required completion of a drug or alcohol rehabilitation or similar program.

The School, as required by federal regulation, will report all employees convicted of a criminal drug offense occurring in the workplace to the U.S. Department of Education. Consistent with these same regulations, employees, as a condition of employment, are required to provide written notice to the School of their conviction for a criminal drug offense occurring at the workplace within five days after that conviction. In addition, students receiving Pell Grants who are convicted of a criminal drug offense during the period of enrollment for which the Pell Grant was awarded are required by federal regulation to report that conviction in writing to the:

**School Director of Grants and Services  
United States Department of Education  
400 Maryland Avenue SW.  
Room 3124, GSA Regional Office Bldg. #3  
Washington, DC 20202-4571**

The report must be made within 10 days after the conviction.

In addition to institutional sanctions, students and employees convicted of the unlawful possession or distribution of illicit drugs or alcohol could face local, state and federal legal penalties which include the loss of eligibility for federal financial aid, fines, imprisonment and the seizure of drug related assets.

Drug awareness programs, counseling, treatment, rehabilitation and other related services are available through local resources and support organizations. Students and employees seeking assistance in overcoming a drug or alcohol related problems are encouraged to contact these local organizations:

- Youth and Family Services 302-633-2500
- Housing Development 302-697-3187
- Unemployment 302-368-6600
- Adoption 302-475-8977
- Voc Rehab 302-856-5730
- Child Services 302-856-2388
- Social Security 800-772-1213
- Planned Parenthood 302-655-7293
- Drug And Alcohol 800-304-2219

Additional assistance may be obtained by contacting:

- Alcoholism and Drug Abuse Hotline: 1-800-252-6465
- Cocaine Hotline: 1-800-444-9999
- National Institute on Drug Abuse Hotline: 1-800-662-4357

### **Federal Sanctions & Laws**

Persons convicted of drug possession under state or federal law are ineligible for federal student grants and loans or for participation in federally sponsored research grants or contracts for up to one year after the first conviction, and up to five years after the second; the penalty for distributing drugs is loss of benefits for five years after the first conviction, 10 years after the second, and permanently after the third.

Under federal law, distribution of drugs to a person under age 21 is punishable by twice the normal penalty, i.e., a mandatory one-year prison term; a third conviction is punishable by mandatory life imprisonment. These penalties apply to distribution of drugs in or within 1,000 feet of a college or school. Federal law sets greatly heightened prison sentences for manufacture and distribution of drugs if death or serious injury results from use of the substance.

#### **Federal Drug Laws**

The possession, use, or distribution of illegal drugs is prohibited by federal law. There are strict penalties for drug convictions, including mandatory prison terms for many offenses. The following information, although not complete, is an overview of federal penalties for first convictions. All penalties are doubled for any subsequent drug conviction.

##### **A. Denial of Federal Benefits**

###### **21 U.S.C. 862**

A federal drug conviction may result in the loss of federal benefits, including school loans, grants, scholarships, contracts, and licenses. Federal drug trafficking convictions may result in denial of federal benefits for up to five years for a first conviction. Federal drug convictions for possession may result in

denial of federal benefits for up to one year for a first conviction and up to five years for subsequent convictions.

##### **B. Forfeiture of Personal Property and Real Estate**

###### **21 U.S.C. 853**

Any person convicted of a federal drug offense punishable by more than one year in prison shall forfeit to the United States any personal or real

property related to the violation, including houses, cars, and other personal belongings. A warrant of seizure is issued and property is seized at the time an individual is arrested on charges that may result in forfeiture.

**C. Federal Drug Trafficking Penalties  
21 U.S.C. 841**

Penalties for federal drug trafficking convictions vary according to the quantity of the controlled substance involved in the transaction. The list below is a sample of the range and severity of federal penalties imposed for first convictions. Penalties for subsequent convictions are twice as severe.

If death or serious bodily injury results from the use of a controlled substance which has been illegally distributed, the person convicted on federal charges of distributing the substance faces a mandatory life sentence and fines ranging up to \$8 million.

Persons convicted on federal charges of drug trafficking within 1,000 feet of a university (21 U.S.C. 845a) face penalties of prison terms and fines which are twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year.

**D. Federal Drug Possession Penalties**

Persons convicted on federal charges of possessing any controlled substance face penalties of up to one year in prison and a mandatory fine of no less than \$1,000 up to a maximum of \$100,000. Second convictions are punishable by not less than 15 days but not more than two years in prison and a minimum fine of \$2,500. Subsequent convictions are punishable by not less than 90 days but not more than three years in prison and a minimum fine of \$5,000.

<b>Substance</b>	<b>Amount</b>	<b>Penalty—First Conviction</b>
Heroin	1 kg. or more	
Cocaine	5 kg. or more	
Crack Cocaine	50 gm. or more	
Methamphetamine	100 gm. or more	
PCP	100 gm. or more	
LSD	10 gm. or more	
Marijuana	1,000 kg. or more	<b>Prison:</b> not less than 10 years, not more than life.
N-Phenyl-N-propanamide	400 gm. or more	<b>Fine:</b> up to \$4 million.
Heroin	100–999 gm.	
Cocaine	500–4,999 gm.	
Crack Cocaine	5–49 gm.	
Methamphetamine	10–99 gm.	
PCP	10–99 gm.	
LSD	1–10 gm.	
Marijuana	100–1,000 kg.	<b>Prison:</b> not less than 5 years, not more than 40 years.
N-Phenyl-N-propanamide	40–399 gm.	<b>Fine:</b> up to \$2 million.
Amphetamines	any amount	
Barbiturates	any amount	<b>Prison:</b> up to 3 years. <b>Fine:</b> up to \$250,000.
Marijuana	50–100 kg.	
Hashish	10–100 kg.	
Hash Oil	1–100 kg.	
Flunitrazepan (Rohypnol, “roofies,” or “roaches”)	1 gm.	<b>Prison:</b> up to 20 years. <b>Fine:</b> up to \$1 million.
Marijuana	less than 50 kg.	
Hashish	less than 10 kg.	
Hash Oil	less than 1 kg.	
Flunitrazepan (Rohypnol, “roofies,” or “roaches”)	less than 30 mg.	<b>Prison:</b> up to 5 years. <b>Fine:</b> up to \$250,000.

## Drug & Alcohol Health Risks

Alcohol: People drink to socialize, celebrate, and relax. Alcohol often has a strong effect on people—and throughout history, people have struggled to understand and manage alcohol's power. Why does alcohol cause people to act and feel differently? How much is too much? Why do some people become addicted while others do not?

Alcohol's effects vary from person to person, depending on a variety of factors, including:

- How much you drink
- How often you drink
- Your age
- Your health status
- Your family history

While drinking alcohol is itself not necessarily a problem—drinking too much can cause a range of consequences and increase your risk for a variety of problems.

Cocaine: Cocaine is a powerfully addictive stimulant drug. Cocaine increases levels of the natural chemical messenger *dopamine* in brain circuits controlling pleasure and movement. This flood of dopamine ultimately disrupts normal brain communication and causes cocaine's high. Short-term effects include constricted blood vessels, nausea, faster heartbeat, extreme happiness and energy, irritability and paranoia. Long-term effects include nosebleeds, severe bowel decay, higher risk of contracting HIV, hepatitis C, and other bloodborne diseases, malnourishment, restlessness, and severe paranoia with auditory hallucinations. A person can overdose on cocaine, which can lead to death.

Marijuana: Marijuana contains the mind-altering chemical THC and other related compounds. THC over-activates certain brain cell receptors, resulting in effects such as altered senses, changes in mood, impaired body movement, difficulty with thinking and problem-solving, and impaired memory and learning. Marijuana use can have a wide range of health effects, including hallucinations and paranoia, breathing problems, and possible harm to a fetus's brain in pregnant women. Marijuana use can cause some very uncomfortable side effects, such as anxiety and paranoia and, in rare cases, extreme psychotic reactions. Marijuana use can lead to a substance use disorder, which can develop into an addiction in severe cases.

Hallucinogens and Dissociative Drugs: Hallucinogens and dissociative drugs—which have street names like acid, angel dust, and vitamin K—distort the way a user perceives time, motion, colors, sounds, and self. These drugs can disrupt a person's ability to think and communicate rationally, or even to recognize reality, sometimes resulting in bizarre or dangerous behavior. Hallucinogens such as LSD, psilocybin, peyote, DMT, and ayahuasca cause emotions to swing wildly and real-world sensations to appear unreal, sometimes frightening. Dissociative drugs like PCP, ketamine, dextromethorphan, and *Salvia divinorum* may make a user feel out of control and disconnected from their body and environment. In addition to their short-term effects on perception and mood, hallucinogenic drugs are associated with psychotic-like episodes that can occur long after a person has taken the drug, and dissociative drugs can cause respiratory depression, heart rate abnormalities, and a withdrawal syndrome.

Methamphetamine: The abuse of methamphetamine—a potent and highly addictive stimulant—remains an extremely serious problem in the United States. The consequences of methamphetamine abuse are terrible for the individual—psychologically, medically, and socially. Abusing the drug can cause memory loss, aggression, psychotic behavior, damage to the cardiovascular system, malnutrition, and severe dental problems. Methamphetamine abuse has also been shown to contribute to increased transmission of infectious diseases, such as hepatitis and HIV/AIDS.

**Reasonable Search:**

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

**Student Assistance:**

Delaware Learning Institute of Cosmetology holds all students accountable in terms of substance use but also supports getting help for students. Students who come forward voluntarily to identify that they have a substance problem will not be reprimanded. It is important for the student to come to an understanding regarding the extent of the problem in order to correct the problem and be able to avoid future usage in violation of the School's Policy. This is required in order to correct the problem and be able to avoid violating the School's Policy in the future. If the student is willing to actively engage in resolving the substance use problem, the School will refer the student to a Substance Abuse Professional for an assessment and possible outpatient counseling at the student's expense. This leave will be conditioned upon receipt of reports from the treatment providers that the student is cooperating and making reasonable progress in the treatment program. The student will be permitted to return to School only if (s)he passes a drug /alcohol test and has satisfactory medical evidence that (s)he is fit for attendance.

This protection does not cover a student who confesses a problem after an incident or accident that requires a substance use test, or after being notified that a reasonable suspicion test is required.

**Disciplinary Action:**

Violation of this Policy will result in the student's immediate termination. Re-admittance may be considered after 60 days. To be considered for re-admittance, the student must provide proof of having satisfactorily attended treatment that is provided by a Substance Abuse Professional (SAP) and/or prescribed by a SAP and completed a drug and/or alcohol test, determined by which test was previously positive, with a negative test result. If the student is readmitted, (s)he must complete the prescribed follow-up testing by the SAP or by law, as applicable, to continue attending Delaware Learning Institute of Cosmetology. Treatment and follow-up testing will be at the expense of the student. Delaware Learning Institute of Cosmetology may terminate a student who has entered a rehabilitation program for violations of the Drug Free School Policy or any other school policy in accordance with the procedures set forth in the School Catalog.

**Confidentiality:**

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

**Biennial Review:**

The School will review the drug and alcohol prevention program every two years on the odd number year. Any recommendations/data and or assistance available to substance abusers will be updated and distributed to all students and staff of Delaware Learning Institute of Cosmetology.

**Notice of Federal Student Aid (FSA) Penalties for Drug Law Violations:**

The Higher Education Opportunity Act (HEA) requires institutions to provide to every student upon enrollment a separate, clear and conspicuous written notice with information on the penalties associated with drug-related offenses under existing section 484(r) of the HEA. It also requires an institution to provide a timely notice to each student who has lost eligibility for any grant, loan, or work-study assistance as a result of penalties under 484(r)(1) of the HEA a separate clear, and conspicuous written notice that notifies the student of the loss of eligibility and advises the student of the ways in which to regain eligibility under section 484(r)(2) of the HEA. Students are hereby notified that federal guidelines mandate that a federal or state drug conviction can disqualify a student for Federal Student Aid funds. Convictions only count if they were for an offense that occurred during a period of enrollment for which the student was receiving Title IV aid—they do not count if the offense was not during such a period. Also, a conviction that was reversed, set aside, or removed from the student's record does not count, nor does one received when he/she was a juvenile, unless the student was tried as an adult.

The Higher Education Act of 1965 as amended (HEA) suspends aid eligibility for students who have been convicted under federal or state law of the sale or possession of drugs, if the offense occurred during a period of enrollment for which the student was receiving federal student aid (grants, loans, and/or work-study). If you have a conviction(s) for these offenses, call the Federal Student Aid Information Center at 1-800-4-FED-AID (1-800-433-3243) to complete the "Student Aid Eligibility Worksheet" to find out how this law applies to you.

If you have lost federal student aid eligibility due to a drug conviction, you can regain eligibility if you pass two unannounced drug tests conducted by a drug rehabilitation program that complies with criteria established by the U.S. Department of Education.

By completing the FAFSA, you may be eligible for nonfederal aid from states and private institutions even if ineligible for Federal Aid. If you regain eligibility during the award year, notify your financial aid administrator immediately. If you are convicted of a drug-related offense after you submit the FAFSA, you might lose eligibility for federal student aid, and you may be liable for returning any financial aid you received during a period of ineligibility.

**School Flexibility:**

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

## **DELAWARE LEARNING INSTITUTE OF COSMETOLOGY CAMPUS SEXUAL MISCONDUCT POLICIES & PROCEDURES**

### **1. Introduction**

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

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

### **2. Scope of the Policy**

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

### **3. Prohibited Conduct**

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

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

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

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

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

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

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

notification about assistance available both within the School community and without, as well as information about options for academic or protective measures.

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

### **Support Services Available.**

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

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

**Contact Life Line**  
**1-302-761-9100 or 1-800-262-9800**

[www.contactlifeline.org](http://www.contactlifeline.org) (Live Chat Online with trained professionals 5:30 pm – 11:30 pm) at no cost. This service is available to anyone who has been impacted by sexual assault including parents, partners and friends.

The School's Title IX Coordinator will work with all students affected by sexual misconduct to ensure their safety and support their wellbeing. This assistance may include providing accommodations to support or protect a student after an incident of sexual misconduct and while an investigation or disciplinary proceeding is pending. Such accommodations may include the ability to alter class schedules, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring). The School may be able to provide additional interim measures to victims while an investigation is pending, such as no contact orders. Interim measures will be individualized and appropriate based on the information gathered by the Title IX Coordinator, making every effort to avoid depriving any student of his or her education. The measures needed by each student may change over time, and the Title IX Coordinator will communicate with each student throughout the investigation to ensure that any interim measures are necessary and effective based on the students' evolving needs. Students who report an incident of sexual misconduct may also be able to obtain a formal protection order from a civil or criminal court. The School will work with the student and the applicable court to assist in the enforcement of any such protective orders.

### **Evidence Preservation**

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

### **5. Title IX Coordinator**

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

- Knowledgeable and trained in School policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a complainant, respondent, or a third party, about School and community resources and reporting options;

- Available to provide assistance to any School employee regarding how to respond appropriately to a report of Title IX-related prohibited conduct and related retaliation;
- Participates in ensuring the effective implementation of this Policy, including monitoring compliance with all procedural requirements, record keeping, and timeframes; and
- Responsible for overseeing training, prevention, and education efforts and annual reviews of climate and culture.

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

John H. Cook  
32448 Royal Blvd, Suite A  
Dagsboro, DE 19939  
Phone: (302) 732-6704  
Email: [jcook@delawarecosmetology.com](mailto:jcook@delawarecosmetology.com)

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

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

### **Reporting to the School**

An incident of sexual misconduct may be reported directly to the School's Title IX Coordinator. If the School's Title IX Coordinator is the alleged perpetrator of the sexual misconduct, the report should be submitted to the School Director. Filing a report with a School official will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

While there is no time limit for reporting, reports of sex discrimination or harassment should be brought forward as soon as possible. All incidents should be reported even if significant time has elapsed, but prompt reporting will better enable the School to respond, investigate, provide an appropriate remedy, and impose discipline if appropriate. The School is committed to supporting the rights of a person reporting an incident of sexual misconduct to make an informed choice among options and services available.

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

### **Reporting to Law Enforcement**

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

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

### **Reporting of Crimes & Annual Security Reports**

Campus safety and security are important issues at Delaware Learning Institute of Cosmetology. Our goal is to provide students with a safe environment in which to learn and to keep students, parents, and employees well informed about campus security. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or Clery Act, requires institutions of higher education to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sexual misconduct under this Policy.

Each year the School prepares this report to comply with the Clery Act. The full text of this report can be located on the School's web site at [delawarecosmetology.com](http://delawarecosmetology.com). This report is prepared in cooperation with

the local law enforcement agencies around our campus. Each year notification is made to all enrolled students and employees that provides the web site to access this report. Copies of the report may also be obtained in person from the School Director or by calling (302) 732-6704. All prospective employees may also obtain a copy from the School Director.

### **Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the School Director constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The School Director will immediately notify the School community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or staff occurring at the School, unless issuing a notification will compromise efforts to contain the emergency. The warning will be issued through the most effective and efficient means available and may include instant messaging to students and School employees. Notices may also be posted in the common areas throughout the School. Anyone with information warranting a timely warning should report the circumstances to the School Director by phone at (302) 732-6704 or in person at the School. The school will provide adequate follow-up information to the community as needed.

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

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

### **No Retaliation**

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

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

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

## **7. School Policy on Confidentiality**

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

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

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

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

A victim who at first requests confidentiality may later decide to file a complaint with the School or report the incident to local law enforcement, and thus have the incident fully investigated.

**NOTE:** While these professional and pastoral counselors and advocates may maintain a victim's confidentiality vis-à-vis the School, they may have reporting or other obligations under state law.

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

### **Reporting to “Responsible Employees”**

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

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

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

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

The School's responsible employees include any School employee that a student can reasonably believe has the authority or duty to redress and/or report incidents of sexual misconduct, including, but not limited to the School's President, School Director, Financial Aid Administrator and Lead Educator.

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

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

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

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

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

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

Before a victim reveals any information to the Title IX Coordinator, the Coordinator should ensure that the victim understands the Coordinator's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources. If the victim wants to tell the Title IX Coordinator

what happened but also maintain confidentiality, the Coordinator should tell the victim that the School will consider the request but cannot guarantee that the School will be able to honor it.

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

**Requesting Confidentiality: How the School Will Weigh the Request and Respond.**

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

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

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

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

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

The presence of one or more of these factors could lead the School to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the School will likely respect the victim's request for confidentiality.

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

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

victim with assistance if the victim wishes to do so.

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

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

**If the School determines that it can respect a victim’s request for confidentiality**, the School will also take immediate action as necessary to protect and assist the victim. A victim’s request for confidentiality will likely limit the School’s ability to investigate a particular matter. The School may take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the student complainant. Examples include providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; revising and publicizing the School’s policies on sexual misconduct; and conducting climate surveys regarding sexual misconduct.

### **Miscellaneous**

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

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

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

The School’s Title IX Coordinator oversees the School’s investigation, response to, and resolution of all reports of prohibited sexual misconduct, and of related retaliation, involving students, faculty, and staff.

As soon as practicable after receiving a report, the Title IX Coordinator will make an initial assessment of the report to determine whether the report, on its face, alleges an act prohibited by this Policy. If the Title IX Coordinator determines the report states facts which, if true, could constitute a violation of this Policy, the Title IX Coordinator will assess whether the complaint should proceed through the voluntary resolution process or formal investigation process (see below). The Title IX Coordinator will communicate the determination regarding the initial assessment in writing to the complainant. If the Title IX Coordinator determines the complainant’s report does not state facts that, if true, could constitute a violation of the Policy, the complainant may still file a report with the federal Office for Civil Rights, the police, or seek available civil remedies through the judicial system. The complainant may also re-file the report with the School upon discovery of additional facts.

### **Notice**

After the initial assessment, if the Title IX Coordinator determines that the complaint may appropriately be resolved through voluntary resolution, the Title IX Coordinator will ask the complainant and respondent, separately, whether they would agree to pursue resolution of the complaint informally. If either party does not agree to pursue voluntary resolution, or if the complainant, respondent, or School, at any time, determines that voluntary resolution is not or no longer appropriate, the Title IX Coordinator will promptly inform the complainant and respondent in writing that the complaint will proceed through formal investigation.

After the initial assessment, the Title IX Coordinator may determine the complaint must proceed through formal investigation. The Title IX Coordinator will notify the complainant and respondent with written notice of the formal investigation, including the allegation(s). The complainant and respondent will be given the opportunity to meet separately with the Title IX Coordinator to review the Policy.

### **Voluntary Resolution**

Voluntary resolution, when selected by all parties and deemed appropriate by the Title IX Coordinator, is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the safety and welfare of the School community. If all parties voluntarily agree to participate in an informal resolution that does not involve a full investigation and adjudication after receiving a full disclosure of the allegation(s) and their options for formal resolution and if the School determines that the particular Title IX complaint is appropriate for such a process, the School will facilitate an informal resolution to assist the parties in reaching a voluntary resolution. The School retains the discretion to determine which cases are appropriate for voluntary resolution.

Voluntary resolution may include: conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; facilitating a meeting with the respondent with the complainant present; and any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy.

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

The School will not compel parties to engage in mediation or to participate in any particular form of informal resolution. As the title implies, participation in voluntary resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation and adjudication at any time, including if voluntary resolution is unsuccessful at resolving the report.

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

### **Formal Investigation Process**

The Title IX Coordinator will designate a specially trained investigator (or team of investigators) to interview the complainant, respondent and any witnesses. The investigator will also gather pertinent documentary materials (if any) and other information.

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

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

### **Time Frame for Investigation**

Consistent with the goal to maximize educational opportunities and minimize the disruptive nature of the investigation and resolution, the Title IX Coordinator seeks to resolve all reports in a timely manner. In general, an investigation may last up to 30 days, from receipt of written notice from the complainant of the intent to proceed with an investigation. Adjudication will generally take up to 30 days from the date the investigative report is provided to both the complainant and the respondent. The Title IX Coordinator may set reasonable time frames for required actions under the Policy. Those time frames may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, accommodate delays by

the parties, account for School breaks or vacations, or address other legitimate reasons, including the complexity of the investigation (including the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged conduct. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Where necessary, the School will take immediate steps to protect complainants pending the final outcome of an investigation, including academic accommodations and other interim measures. These steps may include the ability to change class schedules; withdraw from/retake a class without penalty; access academic support such as tutoring; and no contact orders. Interim measures will be individualized and appropriate based on the information gathered by the Title IX Coordinator, making every effort to avoid depriving any student of his or her education. The measures needed by each student may change over time, and the Title IX Coordinator will communicate with each student throughout the investigation to ensure that any interim measures are necessary and effective based on the students' evolving needs.

### **Investigation Report**

The investigator will prepare a report that includes a statement of the allegations and issues, the positions of the complainant and respondent, a summary of the evidence (including from interviews and documentation gathered), an explanation why any proffered evidence was not investigated, assessment of individual credibility, and findings of fact and an analysis of whether a violation of the Policy has occurred. The investigator will use "clear and convincing evidence" as the standard of proof to determine whether a violation of the Policy occurred. Clear and convincing evidence means that the party must present evidence that leaves one with a firm belief or conviction that it is highly probable that the factual contentions of the claim or defense are true. The complainant and respondent will be simultaneously notified of the completion of the investigation and provided with the investigator's report.

Upon receipt of the investigative report, the complainant and respondent shall each have the opportunity to request a hearing be conducted pursuant to the procedures set forth in Section 9, below. If neither party requests a hearing within 10 calendar days from their receipt of the investigative report, then the recommended findings of responsibility set forth in the investigative report shall be final. The Title IX Coordinator shall rely on the recommended findings of responsibility in the investigative report for purposes of imposing sanctions in accordance with Section 10, below.

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

### **Hearing Panel**

If requested by either complainant or respondent following the distribution of the investigative report, the School will convene a hearing panel following the end of the investigation. The hearing panel determines whether the respondent is responsible or not responsible for a violation of the Policy. If the respondent is determined to be responsible, the matter proceeds to the sanctions stage.

The hearing panel will consist of three members who will be individuals associated with the School. The hearing panel may include the Title IX Coordinator unless the Title IX Coordinator was designated as the investigator of the complaint pursuant to Section 8, above. The hearing panel members may include administrators, officers, lawyers or other individuals with relevant experience and special training. Panel members may participate remotely so long as the hearing room is equipped with telephone equipment that allows the panel member to hear all the participants and to be heard by all the participants throughout the hearing proceedings. All panelists will receive training from experts in the field at least once a year. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual misconduct. The complainant and respondent will be informed of the panel's membership before the hearing process begins. A complainant and/or respondent may challenge the participation of a panel member because of perceived conflict of interest, bias, or prejudice. Such challenges, including rationale, must be made to the Title IX Coordinator at least 48 hours prior to the commencement of the hearing. At its discretion, the Title IX Coordinator will determine whether such a conflict of interest exists and whether a panel member should be replaced. Postponement of a hearing may occur if a replacement panelist

cannot be immediately identified.

### **Advisors**

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

### **Written Submissions**

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

### **Hearing Procedures**

The Title IX Coordinator will, whenever possible, give the complainant and respondent at least five days' advance notice of the hearing. Both the complainant and the respondent shall be provided with an opportunity to review any information gathered by the investigator during the investigation process prior to the hearing. The names and other identifying information of other students will be redacted from such materials in accordance with the Family Educational Rights and Privacy Act (FERPA), except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination. The Title IX Coordinator may arrange to hold the hearing at an off-campus location. The hearing is a closed proceeding, meaning that no one other than the panel members, the complainant and respondent, their respective advisors, witnesses (when called), and necessary School personnel may be present during the proceeding. The School Director will work with School staff so that any student whose presence is required may participate in the hearing.

In general, hearings will proceed as follows:

- The Title IX Coordinator may set reasonable time limits for any part of the hearing. Each of the complainant and respondent will have the opportunity to present witnesses and other information consistent with the Policy and these Procedures. The panel may determine the relevance of, place restrictions on, or exclude any witnesses or information. When the complainant and respondent are not able to be present for the hearing panel, arrangements will be made for participation via alternate means.
- In cases where either the complainant or respondent opts not to participate in the hearing, the panel may still hear from the other.
- Additional hearing rules include:
  - Questioning. Only the panel may ask questions of the complainant and respondent and any witnesses. Both the complainant and respondent will have the opportunity to suggest questions of the other and of witnesses by submitting suggested questions to the panel in writing. The panel may revise or not ask any or all submitted questions.
  - Information Regarding Romantic or Sexual History. The panel will not consider the romantic or sexual history of either the complainant or respondent in cases involving allegations of sexual misconduct, except for testimony offered by one or the other about the complainant's and respondent's shared sexual history that the panel deems relevant. If such information is offered by the complainant or respondent, the other has the right to respond. The existence of a prior consensual dating or sexual relationship between the complainant and respondent by itself does not support an inference of consent to alleged sexual misconduct.
  - Prior Conduct Violations. The hearing panel will not consider the respondent's prior conduct violations, unless the investigator provided that information to the hearing panel because the respondent was previously found to be responsible, and the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.

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

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

The panel will use “clear and convincing evidence” as the standard of proof to determine whether a violation of the Policy occurred. Clear and convincing evidence means that the party must present evidence that leaves one with a firm belief or conviction that it is highly probable that the factual contentions of the claim or defense are true. The panel will find a student responsible, or not responsible, based on a majority vote. The panel will generally render a decision within 10 days after the conclusion of a hearing. The panel’s decision will include an explanation of the basis for the decision. If the panel finds the respondent responsible, the matter will proceed to the sanctions stage.

The parties will be informed of the results of the adjudication hearing by simultaneous written notice to both parties of the outcome of the complaint. The hearing panel’s determination is final.

#### **10. Sanctions and Other Remedies**

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

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

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

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

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

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

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

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

Potential ongoing accommodations include:

- Providing an escort for the complainant
- Changing the complainant's academic schedule
- Allowing the complainant to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class

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

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

### **11. Records Disclosure**

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

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

Additional information about FERPA can be found on the School's website at [delawarecosmetology.com](http://delawarecosmetology.com)

The School will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the School against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

### **12. Education and Prevention Programs**

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

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

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

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

about how to approach students about sensitive issues that may arise in the context of sexual misconduct.

## Definitions of Sexual Misconduct under Delaware Law

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

The Delaware Code provides the following definitions with respect to incidents of sexual assault:

### **Del. Code tit. 11, § 767. Unlawful Sexual Contact in the Third Degree: Class A Misdemeanor**

A person is guilty of unlawful sexual contact in the third degree when he has sexual contact with another person or causes the victim to have sexual contact with him or a third person and he knows that the contact is either offensive to the victim or occurs without the victim's consent.

### **Del. Code tit. 11, § 768. Unlawful Sexual Contact in the Second Degree: Class E Felony**

A person is guilty of unlawful sexual contact in the second degree when he intentionally has sexual contact with another person who is less than 16 years of age or causes the victim to have sexual contact with him or a third person.

### **Del. Code tit. 11, § 769. Unlawful Sexual Contact in the First Degree: Class D Felony**

A person is guilty of unlawful sexual contact in the first degree when, in the course of committing unlawful sexual contact in the third degree or in the course of committing unlawful sexual contact in the second degree, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, he causes physical injury to the victim or he displays what appears to be a deadly weapon or dangerous instrument.

### **Del. Code tit. 11, § 770. Unlawful Sexual Penetration in the Third Degree: Class D Felony**

A person is guilty of unlawful sexual penetration in the third degree when he intentionally places one or more fingers or thumbs or an object, as defined by 11 Del. C. §761(c), inside the vagina or anus of a person under any of the following circumstances:

(1) The sexual penetration occurs without the victim's consent; or (2) the victim is less than 16 years old.

This law does not apply to a licensed medical doctor or nurse who places one or more fingers or an object inside a vagina or anus for the purpose of diagnosis or treatment.

### **Del. Code tit. 11, § 771. Unlawful Sexual Penetration in the Second Degree: Class C Felony**

A person is guilty of unlawful sexual penetration in the second degree when he intentionally places one or more fingers or thumbs or an object, as defined by 11 Del. C.

§761(c), inside the vagina or anus of a person under any of the following circumstances:

(1) The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, he causes physical injury to the victim; or

(2) the victim is less than 16 years old and during the commission of the crime or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, he causes physical injury to the victim.

### **Del. Code tit. 11, § 772. Unlawful Sexual Penetration in the First Degree: Class B Felony**

A person is guilty of a unlawful sexual penetration in the first degree when he intentionally places one or more fingers or thumbs or an object, as defined by 11 Del. C. §761(c), inside the vagina or anus of a person under any of the following circumstances:

(1) The sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, he causes serious physical injury to the victim; or

(2) the victim is less than 16 years old and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, he causes serious physical injury to the victim; or

(3) the sexual penetration occurs without the victim's consent and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, he displays what appears to be a deadly weapon or dangerous instrument; or (4) the victim is less than 16 years old and during the commission of the crime, or during the immediate flight from the crime, or during an attempt to prevent the reporting of the crime, he displays what appears to be a deadly weapon or a dangerous instrument.

### **Del. Code tit. 11, § 773. Unlawful Sexual Intercourse In the Third Degree: Class B Felony**

A person is guilty of unlawful sexual intercourse in the third degree when he intentionally engages in sexual Intercourse with another person and any of the following circumstances exist:

(1) The intercourse occurs without the victim's consent; or (2) the victim is less than 16 years of age.

### **Del. Code tit. 11, § 774. Unlawful Sexual Intercourse in the Second Degree: Class A Felony**

A person is guilty of unlawful sexual intercourse in the second degree when he intentionally engages in sexual intercourse with another person and any of the following circumstances exist:

(1) The intercourse occurs without the victim's consent and he inflicts physical, mental or emotional injury upon the victim:

(a) On the occasion of the crime, or

- (b) during the immediate flight from the crime, or
- (c) during an attempt to prevent the reporting of the crime, or
- (2) the intercourse occurs without the victim's consent and the defendant was not the victim's voluntary social companion on the occasion of the crime.

**Del. Code tit. 11, §775. Unlawful Sexual Intercourse in the First Degree: Class A Felony**

A person is guilty of unlawful sexual intercourse in the first degree when he intentionally engages in sexual Intercourse with another person and any of the following circumstances exist:

- (1) The intercourse occurs without the victim's consent, and he inflicts serious physical, mental or emotional injury upon the victim:
  - (a) On the occasion of the crime; or
  - (b) during the immediate flight from the crime; or
  - (c) during an attempt to prevent the reporting of the crime: or
- (2) the intercourse occurs without the victim's consent and the defendant was not the victim's voluntary social companion on the occasion of the crime and had not permitted the defendant sexual intercourse within the previous 12 months; or
- (3) in the course of committing unlawful sexual intercourse in the third degree or unlawful sexual intercourse in the second degree, the defendant displayed what appeared to be a deadly weapon or a dangerous instrument; or
- (4) the victim is less than 16 years of age and the defendant is not the victim's voluntary social companion on the occasion of the crime.

Nothing contained in this section shall preclude a separate charge, conviction and sentence for possession of a deadly weapon during the commission of a felony."

It is an element of many of the crimes listed above that the sexual act was committed without the consent of the victim. The Delaware Code provides the following definition regarding Consent:

**Del. Code tit. 11, § 761 (g) Without consent means:**

- (1) The defendant compelled the victim to submit by force, by gesture, or by threat of death, physical Injury, pain or kidnapping to be inflicted upon the victim or a third party, or by any other means which would compel a reasonable person under the circumstances to submit. It is not required that the victim resist such force or threat to the utmost, or to resist if resistance would be futile or foolhardy, but the victim need resist only to the extent that it is reasonably necessary to make the victim's refusal to consent known to the defendant; or
- (2) the defendant knew that the victim was unconscious, asleep or otherwise unaware that a sexual act was being performed; or
- (3) the defendant knew that the victim suffered from a mental illness or mental defect which rendered the victim incapable of appraising the nature of the sexual conduct; or
- (4) the defendant had substantially impaired the victim's power to appraise or control his conduct by administering or employing without the other person's knowledge or against his will. drugs, intoxicants or other means for the purpose of preventing resistance.
- (h) Voluntary Social Companion means a victim who is in the defendant's company on the occasion of the offense as a

result of the victim's exercise of rational intellect and free will, without trick, coercion or duress. A victim who is less than 16 years of age, or who is mentally defective, is not the voluntary social companion of a defendant in whose custody or care the victim is placed.

The Delaware Code provides the following definitions with respect to incidents of sexual harassment:

**Del. Code tit. 11, § 763. Sexual Harassment: Class B Misdemeanor**

A person is guilty of sexual harassment when:

- (a) He threatens to engage in conduct likely to result in the commission of a sexual offense against any person; or
  - (b) he suggests, solicits, requests, commands, importunes or otherwise attempts to induce another person to have sexual contact or sexual intercourse or unlawful sexual penetration with him, knowing that he is thereby likely to cause annoyance, offense or alarm to that person.
- Sexual harassment is a Class B Misdemeanor.

The Delaware Code provides the following definitions with respect to Stalking:

**Del. Code tit. 11, § 1312. Stalking; class G felony, class F felony, class C felony.**

(a) A person is guilty of stalking when the person knowingly engages in a course of conduct directed at a specific person and that conduct would cause a reasonable person to:

- (1) Fear physical injury to himself or herself or that of another person; or
  - (2) Suffer other significant mental anguish or distress that may, but does not necessarily, require medical or other professional treatment or counseling.
- (b) A violation of subsection (a) of this section is a class G felony.
- (c) Stalking is a class F felony if a person is guilty of stalking and 1 or more of the following exists:

- (1) The person is age 21 or older and the victim is under the age of 14; or
  - (2) The person violated any order prohibiting contact with the victim; or
  - (3) The victim is age 62 years of age or older; or
  - (4) The course of conduct includes a threat of death or threat of serious physical injury to the victim, or to another person; or
  - (5) The person causes physical injury to the victim.
- (d) Stalking is a class C felony if the person is guilty of stalking and 1 or more of the following exists:
- (1) The person possesses a deadly weapon during any act; or
  - (2) The person causes serious physical injury to the victim.
- (e) *Definitions.* — The following terms shall have the following meaning as used in this section:
- (1) "Course of conduct" means 3 or more separate incidents, including, but not limited to, acts in which the person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about another, or interferes with, jeopardizes, damages, or disrupts another's daily activities, property, employment, business, career, education, or medical care. A conviction is not required for any predicate act relied upon to establish a

course of conduct. A conviction for any predicate act relied upon to establish a course of conduct does not preclude prosecution under this section. Prosecution under this section does not preclude prosecution under any other section of the Code.

(2) "A reasonable person" means a reasonable person in the victim's circumstances.

\* \* \*

(h) In any prosecution under this law, it shall not be a defense that the perpetrator was not given actual notice that the course of conduct was unwanted; or that the perpetrator did not intend to cause the victim fear or other emotional distress.

(i) In any prosecution under this section, it is an affirmative defense that the person charged was engaged in lawful picketing.

(j) This section shall not apply to conduct which occurs in furtherance of legitimate activities of law-enforcement, private investigators, security officers or private detectives as those activities are defined in Chapter 13 of Title 24.

The Delaware Code provides the following definitions with respect to Domestic Violence:

**Del. Code tit. 10, § 1041(2)** "Domestic violence" means abuse perpetrated by 1 member against another member of the following protected classes:

a. Family, as that term is defined in § 901(12) of this title, regardless, however, of state of residence of the parties, or whether parental rights have been terminated; or

b. Former spouses; persons cohabitating together who are holding themselves out as a couple, with or without a child in common; persons living separate and apart with a child in common; or persons in a current or former substantive dating relationship. For purposes of this paragraph, neither a casual acquaintanceship nor ordinary fraternization between 2 individuals in business or social contexts shall be deemed to constitute a substantive dating relationship. Factors to consider for a substantive dating relationship may include the length of the relationship, or the type of relationship, or the frequency of interaction between the parties.

As described above, "Dating Relationship" for purposes of defining Domestic Violence under the Delaware Code excludes a casual acquaintanceship or the ordinary fraternization between 2 individuals in business or social contexts. Factors to consider for a substantive dating relationship may include the length of the relationship, or the type of relationship, or the frequency of interaction between the parties.

## **Bystander Intervention**

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

- **Assess for safety.** Ensure that all parties are safe, and whether the situation requires calling authorities. When deciding to intervene, your personal safety should be the #1 priority. When in doubt, call for help.
- **Be with others.** If it is safe to intervene, you are likely to have a greater influence on the parties involved when you work together with someone or several people. Your safety is increased when you stay with a group of friends that you know well.
- **Care for the person.** Ask if the target of the unwanted sexual advance/attention/behavior is okay – does he or she need medical care? Ask if someone they trust can help them get safely home.  
*Information on Bystander Intervention was provided by the Department of Defense Sexual Assault Prevention and Response Office from: [www.sapr.mil](http://www.sapr.mil)*

## **Risk Reduction**

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

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

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.

- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

*Safety Planning.* Things to think about:

- How to get away if there is an emergency? Be conscious of exits or other escape routes. Think about options for transportation (car, bus, subway, etc.).
- Who can help? Friends and/or family, or support centers in your area. Please see Section 4 of this Policy for a list of support organizations.
- Where to go? Options may include a friend's house or relative's house, or you may consider going to a domestic violence or homeless shelter. You may also go to the police. **Important Safety Note:** If the dangerous situation involves a partner, go to the police or a shelter first.
- What to bring? This may include important papers and documents such birth certificate, social security card, license, passport, medical records, lease, bills, etc. This will also include house keys, car keys, cash, credit cards, medicine, important numbers, and your cell phone. If you are bringing children with you, remember to bring their important papers and legal documents. You can keep all of these things in an emergency bag. You should hide the bag—it is best if it is not in your house or car. If the bag is discovered, you can call it a "tornado" or "fire" bag.

*Protecting Your Friends.* You have a crucial role to play in keeping your friends safe. No matter what the setting, if you see something that doesn't feel quite right or see someone who might be in trouble, there are some simple things you can do to help out a friend.

- Distract. If you see a friend in a situation that doesn't feel quite right, create a distraction to get your friend to safety. This can be as simple as joining or redirecting the conversation: suggest to your friend that you leave the party, or ask them to walk you home. Try asking questions like: "Do you want to head to the bathroom with me?" or "Do you want to head to another party – or grab pizza?"
- Step in. If you see someone who looks uncomfortable or is at risk, step in. If you feel safe, find a way to de-escalate the situation and separate all parties involved. Don't be shy about directly asking the person if they need help or if they feel uncomfortable.
- Enlist others. You don't have to go it alone. Call in friends or other people in the area as reinforcements to help defuse a dangerous situation and get the at-risk person home safely. There is safety in numbers.
- Keep an eye out. Use your eyes and ears to observe your surroundings. If you see someone who has had too much to drink or could be vulnerable, try to get them to a safe place. Enlist friends to help you. Even if you weren't around when the assault occurred, you can still support a friend in the aftermath.

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

- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately.
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.

- If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).  
*Information on Risk Reduction was provided by RAINN: Rape, Abuse & Incest National Network: [www.rainn.org](http://www.rainn.org).*

### **13. Amendments**

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

**Delaware Learning Institute of Cosmetology  
Sexual Misconduct Policy**

**Definitions of Key Terms**

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

a sexually transmitted disease to an unknowing person or to a person who has not consented to the risk; or inducing incapacitation with the intent to commit sexual assault, without regard to whether sexual activity actually takes place.

- Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others, or suffer substantial emotional distress. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Retaliation - means any adverse action, or attempted adverse action, against an individual or group of individuals because of their participation in any manner in an investigation, proceeding, or hearing under this Policy.
- Intimidation - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- Consent is a voluntary agreement to engage in sexual activity.
  - Past consent does not imply future consent.
  - Silence or an absence of resistance does not imply consent.
  - Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another.
  - Consent can be withdrawn at any time.
  - Coercion, force, or threat of either invalidates consent.

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

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