



# **Annual Security Report (ASR)**

# **2019**

**1024 East March Lane, Stockton CA**  
**[www.calcbc.com](http://www.calcbc.com)**

## Table of Contents

	<b>Campus Security Procedures</b>	<b>Page</b>
A	Timely Warnings	3
B	Reporting the annual disclosures or crime and statistics	3
C	Reporting of criminal offenses	4
D	Confidential reporting	4
E	Access Policy	5
F	Campus security authority and Jurisdiction	5
G	Campus Security Considerations for Maintenance	5
H	Security Awareness Programs	5
I	Crime Prevention Programs	6
J	Criminal activity off campus	6
K	Fire prevention and workplace hazards	6
L	Alcoholic beverages or controlled substances	7
M	Alcohol and substance abuse education	7
N	Sexual misconduct policies and procedures	8
O	Sexual offender registration	8
	<b>Campus crime report</b>	8
	<b>Drug and Alcohol school policy</b>	10
	<b>Emergency response preparation and evacuation</b>	11
A	Evacuation procedures	11
B	Fire response procedures	12
	<b>Campus Sexual Misconduct Policies</b>	12
A	Reporting incidents of sexual misconduct	16
B.	Support services available	17
C.	Title IX Coordinator	18
	<b>Confidentiality</b>	19
	<b>Definitions of Sexual Misconduct Under California Law</b>	20

## **CAMPUS SECURITY PROCEDURES**

Campus safety and security are important issues at California College of Barbering and Cosmetology (CAL CBC). 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, or senior staff person on campus at the time, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The Director will immediately notify the Institute 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 on campus. The warning will be issued through the most effective and efficient means available and may include the internal school-wide audio messaging technology or instant messaging to students and Institute employees. The notification will focus primarily on any appropriate and immediate safety procedures to follow, depending on the nature of the threat. Notices may also be posted in the common areas throughout the Institute, bulletin boards, break rooms, classrooms. Anyone with information warranting a timely warning should report the circumstances to the School Director by phone (209-952-5318) or in person at the campus.

### **B. REPORTING THE ANNUAL DISCLOSURE OF CRIME STATISTICS**

CAL CBC prepares this report to comply with the Clery Act. The full text of this report can be located on our web site at [www.calcbc.com](http://www.calcbc.com). This report is prepared with the help of local law enforcement.

Campus crime, arrest and referral statistics include those reported to the Stockton Police, designated campus officials (including but not limited to the school Director), and other law enforcement agencies. Publicly available records, including Clery Act reports and disclosures, will not include personally identifying information about the victim.

CAL CBC encourages all pastoral and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure or crime statistics.

Each year, notification is made to all enrolled students and employees via our website. Students all receive both email and written notification that informs them where they can find and print copies of the report. Copies of the report may also be obtained in person from the School Director or by calling 209-952-5318. All prospective employees may also obtain a copy from the School Director.

### **C. REPORTING OF CRIMINAL OFFENSES**

CAL CBC encourages anyone who is the victim or witness to any crime or other emergency to report the incident as soon as possible. Contact the campus Director or the Director of Education (DOE) at 209-952-5318(non-emergencies) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen loitering inside or around the campus buildings should be reported to the campus Director or the DOE.

Reports may also be made to the school's Campus Security Authorities, or CSAs. Under Federal law, the definition 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.

CSAs include: President--Campus Director-- Director of Education--Admissions Officer--Salon Coordinator--Financial Aid Officer

For off campus options you may contact the Stockton Police Department at 209-937-8377 [www.stocktongov.com/police](http://www.stocktongov.com/police) for non emergencies. You should always dial 9-1-1 for emergency situations. The Stockton 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 Stockton Police Department cannot hold reports of crime in confidence.

CSAs will assist any complainant with notifying Stockton Police if they so desire. Students have a right to file a criminal complaint and a Title IX complaint with the school simultaneously.

### **D. CONFIDENTIAL REPORTING**

CAL CBC encourages anyone who is the victim or witness to any crime to report the incident as soon as possible. All reports will be investigated. Students and staff are able to email any confidential and anonymous crimes and concerns, to [info@calcbc.com](mailto:info@calcbc.com) Violations of the law will be referred to the Stockton Police Department. When a potentially dangerous threat to the campus community arises, timely reports or warnings will be issued through the posting of flyers, in-class announcements, or other appropriate means. All reported crimes within the CAL CBC geographic area will be included in the annual disclosure of crime statistics.

## **E. ACCESS POLICY**

During business hours, the campus is open to students, parents, employees, contractors, guests, and invitees. During non-business hours' access to the campus is by key and security code, if issued, or by admittance via the Campus Director. Emergencies may necessitate changes or alterations to any posted schedules.

## **F. CAMPUS SECURITY AUTHORITY AND JURISDICTION**

The campus administration attempts to provide a safe, secure educational environment for all students and employees. The campus does not provide security guards on its campus premises. The ultimate authority for law enforcement at the Institute is the local police department. The campus does not have any written agreements with local police departments for the investigation of alleged criminal offenses. Campus 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 Institute Director is the Institute's coordinator of security issues. The individuals mentioned above are not authorized to arrest individuals but do have the authority to detain suspected criminal offenders if it is deemed safe to do so. The administration at CAL CBC has a strong, working relationship with the local police and work in partnership to offer students and employees the safest possible environment.

## **G. CAMPUS SECURITY CONSIDERATIONS FOR MAINTENANCE**

The administrative staff regularly test the phones and submit work orders for repair. The College Director or Owner report the need for replacement of lights and any other physical hazards they notice to the Building Operations Team. Exterior video cameras are monitored by the Director and Owner and the Owner authorizes repair with vendors, as needed. Exterior and interior lighting is constantly monitored by the Director and Owner. Any malfunctions are reported to the Building Operations Team, which enacts repairs on a weekly basis.

## **H. SECURITY AWARENESS PROGRAMS**

All new enrolled students participate in a general Institute orientation class, the Friday before the first day of class. During orientation, 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 on campus, and in-class announcements.

Students and employees are encouraged to be responsible for their own security and the security of others.

## **I. CRIME PREVENTION PROGRAMS:**

CAL CBC provides the campus with “risk reduction” strategies, including general crime prevention education; programs to educate students and staff on how to create individual and community safety plans and strategies, and bystander intervention programs that educate the student body and staff on how to recognize and interrupt situations of harm, or notify the entire campus community of immediate threats to security.

**Bystander intervention** refers to safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene in situations of potential harm when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the individual. Effective bystander intervention training prepares participants to recognize situations of potential harm, overcome barriers to intervening, identify safe and effective intervention options, and take action.

**Primary prevention** programs refer to programming, initiatives and strategies intended to stop domestic violence, dating violence, sexual assault, or stalking before it occurs to prevent initial perpetration or victimization through the promotion of positive and healthy behaviors and beliefs. Efforts to change behavior and social norms, and promote healthy relationships, healthy sexuality and egalitarian gender roles, or efforts to understand risk factors and protective factors for bystander inaction and change social norms around bystander inaction are all examples of primary prevention.

**Ongoing Awareness and Prevention Campaigns** refers to campaigns that are sustained over time focusing on increasing awareness or understanding of topics relevant to Sexual Assault, Domestic Violence and stalking prevention. Ongoing awareness and prevention campaigns may include information about what constitutes sexual assault, dating violence/intimate partner abuse, and stalking, changing social norms, promoting recognition of perpetrator tactics, enhancing understanding of consent, and advancing prosocial behaviors of individuals and communities. Effective ongoing awareness and prevention campaigns will include developmentally appropriate content for the campus community and their knowledge and awareness level and provide positive and concrete ways for individuals to get involved.

## **J. CRIMINAL ACTIVITY OFF-CAMPUS**

CAL CBC does not provide law enforcement services to off-campus activities on behalf of the Institute.

## **K. FIRE PREVENTION AND WORKPLACE HAZARDS**

It is the responsibility of all faculty and staff to alert the Campus 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 inside the building. 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.

#### **L. ALCOHOLIC BEVERAGES OR CONTROLLED SUBSTANCES**

It is the policy of CAL CBC that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance or alcohol is prohibited while in the workplace, on campus premises, or as part of any campus 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. Needless to say, this include enforcement of underage drinking laws.

The specifics of this policy can be found in the Drug & Alcohol School Policy.

#### **M. ALCOHOL AND SUBSTANCE ABUSE EDUCATION**

The campus 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 Institute disciplinary actions. A violation of any law regarding drugs or alcohol is also a violation of the campus Drug & Alcohol Policy and will be treated as a separate disciplinary matter by the Institute.

Local mental health and substance abuse services are available at:

- San Joaquin county public health, 420 South Wilson Way, 209-468-3880

[www.sjcphs.org](http://www.sjcphs.org)

- \* San Joaquin Mental Health 4422 North Pershing Ave #D2, 209-953-8860

[www.sjcbhs.org](http://www.sjcbhs.org)

- Mental Health & Crisis Intervention National Help line Network 24 hours:  
800-784-2433

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

## **N. SEXUAL MISCONDUCT POLICIES & PROCEDURES**

CAL CBC is committed to providing a working and educational environment for all students, faculty and staff that is free of sex discrimination, including sexual misconduct. Every member of the school community should be aware that the campus is strongly opposed to sexual misconduct, and that such behavior is prohibited by state and federal laws. The Institute'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 campus through publications, new employee orientations, student orientations, and other appropriate channels of communication. Copies of the Policy can be obtained from the Campus Director, by calling the school at 209-952-5318. The campus provides training to key staff members to enable the staff to handle any allegations of sexual misconduct promptly and effectively. CAL CBC 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. CAL CBC 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 Institute, regardless of the person's gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. The Institute encourages victims of sexual violence to talk to somebody about what happened –so victims can get the support they need, and so the Institute can respond appropriately. As further described in the Policy, the Institute will seek to respect a victim's request for confidentiality to the extent possible, while remaining ever mindful of the victim's well-being.

## **O. 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, CAL CBC provides information for where students and employees may obtain information regarding registered sex offenders. The California Sex Offenders Registry may be found at [www.meganslaw.ca.gov/](http://www.meganslaw.ca.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.

## **CAMPUS CRIME REPORT**

The campus 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 Campus Director and local law enforcement agencies. Copies of the report may be obtained from the Campus Director or DOE.

To Report A Crime: Contact the campus Director or DOE at 209-952-5318 (non-emergencies) or dial 9-1-1(emergencies only). Any suspicious activity or person seen loitering inside or around the Institute buildings should be reported immediately.

<b>Offense</b>	<b>On Campus</b>			<b>Off Campus</b>			<b>Public Property</b>		
Year	2017	2018	2019	2017	2018	2019	2017	2018	2019
Murder	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	1	0	3
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	2	0	0	12	1	1	0
Motor Vehicle Theft	0	0	0	0	0	1	0	0	0
Arson	0	0	0	0	0	0	0	0	0

<b>VAWA Offense</b>	<b>On Campus</b>			<b>Off Campus</b>			<b>Public Property</b>		
Year	2017	2018	2019	2017	2018	2019	2017	2018	2019
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 Violations	0	0	0	0	0	0	0	0	0
Drug Law Violations 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
Violations Referred for Disciplinary Action	0	0	0	0	0	0	0	0	0

There were no reported Hate Crimes for the years 2016, 2017 or 2018

There were no reported Unfounded Crimes for the years 2016, 2017 or 2018.

## **DRUG & ALCOHOL SCHOOL POLICY**

CAL CBC believes that it is very important to provide a safe environment for all of its students and Team Members. Substance abuse, while at work, school or otherwise, seriously endangers the safety of students and Team Members, 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. CAL CBC 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
- Possess, trade, manufacture, distribute, or buy or offer for sale alcohol or illegal drugs, prescriptions drugs during school hours
- Arrive or return to school intoxicated from use of illegal drugs, misused prescription drugs

Students and staff are individually responsible for being aware of applicable laws, ordinances, and the campus's policy for complying with them. CAL CBC will assist in the endeavor by providing current information on an ongoing basis to all students.

## **Emergency Response Preparation and Evacuation**

The campus director has the overall responsibility for coordinating and implementing the emergency and response evacuation plan. The director will ensure that the campus's emergency evacuation procedures have been disseminated to the students and staff, and that students and staff have been trained in the implementation of the plan. The director will conduct fire drills and evacuation drills annually which may be both announced and unannounced. Feedback from these drills will be used to determine the modifications necessary to the evacuation plans.

At all times, CAL CBC has a designated "Safety Captain" who is responsible for initiating the Emergency Evacuation Notification and supervising the implementation of the evacuation plan.

The hierarchy of Safety Captain is as follow:

1. Campus Director
2. Financial Aid Officer
3. Admissions Officer

If the highest on the list is not on campus, responsibility will pass to the next person.

CAL CBC will, without delay, and taking into account the safety of the community, initiate the notification system, unless issuing a notification will, in the professional judgment of the Safety Captain compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

### **A. Evacuation Procedures**

Evacuation should take place if it is determined that it is safer outside than inside the building (fire, explosion, intruder) and staff, students and visitors can safely reach the evacuation location without danger. In the event of an evacuation, all persons on campus will be required to exit the building.

The primary signal for evacuation in all circumstances is the **Fire Alarm**. Supplemental signals consist of loud speaker announcements, in-class announcements or the sight of everybody else leaving the building. The safety captain will communicate the need to evacuate the building to the occupants by activating the alarm. The safety captain will determine evacuation routes based on the location of the incident and the type of emergency, although as staff and students should be familiar with the three exits from the building. If necessary, the safety captain will communicate changes in evacuation routes based on type of emergency.

The safety captain will call or designate another person to immediately call public safety (911) to give notice that the campus has been evacuated.

The safety captain will communicate when it is safe to re-enter the building.

### **B. Fire Response Procedures**

The campus has a policy and procedure governing fire drills and conducts them periodically in the Spring and Summer. All staff is trained on how to respond in the event of a fire.

Any staff discovering fire or smoke will activate the fire alarm, and report the fire to the Director or call 911 if conditions require, and/or are in need of medical assistance. No one may re-enter the building until it is declared safe by the fire department.

## **Campus Sexual Misconduct Policies**

CAL CBC is committed to providing a working educational environment for all students, faculty and staff that is free from sex discrimination, including sexual misconduct. Sexual misconduct includes persistent unwanted advances, dating violence, domestic violence, sexual assault or stalking. Every member of the campus should be aware that the school is strongly apposed to sexual misconduct, and that such behavior is prohibited by the state and federal laws.

As part of the campus's commitment to provide a working and learning environment free from sexual misconduct, this policy shall be disseminated widely to the school through new employee orientation, student orientations, and or other appropriate channels of communication. The campus will respond quickly to all report of sexual harassment, and will take appropriate action to prevent, correct, and if necessary, to discipline behavior that violates this policy.

This policy governs sexual misconduct involving student 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 CAL CBC, regardless of the person's gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. CAL CBC 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. CAL CBC will respect a victim's request for confidentiality to the extent possible, while remaining ever mindful of the victim's well-being.

There are numerous terms used by CAL CBC in our policies and procedures.

**Sexual Harassment**, a form of sex discrimination, is unwelcome verbal, nonverbal or physical conduct of a sexual nature that includes, but is not limited to Sexual Violence, sexual advances, requests for sexual favors, and indecent exposure, where:

- A. Submission to or rejection of the conduct is explicitly or implicitly used as the basis for any decision affecting a student's academic status or progress, or access to benefits and services or programs available through the school.
- B. Such conduct is sufficiently severe, persistent or pervasive enough that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the student, and is in fact considered by the student, as limiting the student's ability to participate in or benefit from the services, activities or opportunities offered by CAL CBC; or
- C. Submission to, or rejection of, the conduct by a CAL CBC employee is explicitly or implicitly used as the basis for any decision affecting a term or condition of employment, or an employment decision or action; or
- D. Such conduct is sufficiently severe, persistent or pervasive that its effect, whether or not intended, could be considered by a reasonable person in the shoes of the CAL CBC employee or third party, and is in fact considered by the CAL CBC employee or third party, as intimidating, hostile or offensive.

Sexual Harassment also includes acts of verbal, non-verbal or physical aggression, intimidation or hostility based on gender or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

**Sexual Violence** is a form of Sexual Harassment and means physical sexual acts, such as unwelcome sexual touching, Sexual Assault, Sexual Battery, Rape, Domestic Violence, Dating Violence, and Stalking (when based on gender or sex) perpetrated against an individual against his or her will and without consent or against an individual who is incapable of giving consent due to that individual's use of drugs or alcohol, status as a minor, or disability. Sexual Violence may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, or taking advantage of the other person's incapacitation (including voluntary intoxication).

Men as well as women can be victims of these forms of Sexual Violence. Unlawful sexual intercourse with a minor (statutory rape) occurs even if the intercourse is consensual when the victim is under 18 years old, because the victim is considered incapable of giving legal consent due to age.

**Sexual Assault** is a form of Sexual Violence and is an attempt, coupled with the ability, to commit a violent injury on the person of another because of that person's gender or sex.

**Sexual Battery** is a form of Sexual Violence and is any willful and unlawful use of

force or violence upon the person of another because of that person's gender or sex.

**Rape** is a form of Sexual Violence and is non-consensual sexual intercourse that may also involve the use of threat of force, violence, or immediate and unlawful bodily injury or threats of future retaliation and duress. Any sexual penetration, however slight, is sufficient to constitute rape.

Sexual acts including intercourse are considered non-consensual when a person is incapable of giving consent because s/he is incapacitated from alcohol and/or drugs, is under 18 years old, or if a mental disorder or developmental or physical disability renders the person incapable of giving consent. The accused's relationship to the person (such as family member, spouse, friend, acquaintance or stranger) is irrelevant.

**Acquaintance Rape** is a form of Sexual Violence committed by an individual known to the victim. This includes a person the victim may have just met; i.e., at a party, introduced through a friend, or on a social networking website. (See above for definition of Rape.)

**Consent** means an informed, affirmative, conscious decision by each participant to engage in mutually agreed-upon sexual activity

- Consent must be voluntary, clear and knowing, and given without coercion, force, threats, or intimidation. Consent requires positive cooperation, through words and actions, in a particular sexual act, or expression of intent to engage in that sexual act through the exercise of free will. Lack of protest or resistance does not mean consent nor does silence mean consent.
- Consent must be ongoing throughout a sexual activity and can be revoked at any time. Consent can be withdrawn or revoked at any time. Consent to one form of sexual activity (or one sexual act) does not constitute consent to other forms of sexual activity (or other sexual acts). Consent to sexual activity given on one occasion does not constitute consent to sexual activity on another occasion. The fact that two people are or were in a dating or sexual relationship does not constitute consent to engage in sexual activity. There must always be mutual and affirmative consent to engage in sexual activity. Consent to a sexual act may be withdrawn or revoked at any time, including after penetration. The complainant's request for the respondent to use a condom or birth control does not, in and of itself, constitute consent. Once consent is withdrawn or revoked, the sexual activity must stop immediately.
- It shall not be a valid excuse that the respondent believed that the complainant

affirmatively consented to the sexual activity if the respondent knew or reasonably should have known that the complainant was unable to consent to the sexual activity due to incapacitation. Consent cannot be given by a person who is incapacitated. For example, a person cannot give consent if s/he is asleep, unconscious or coming in and out of consciousness. A person is incapacitated if s/he lacks the physical and/or mental ability to make informed, rational judgements. Examples of incapacitation include unconsciousness, sleep and blackouts. Whether an intoxicated person (as a result of using alcohol, medication, or other drugs) is incapacitated depends on the extent to which the alcohol or other drugs impact the person's decision-making capacity, awareness of consequences, and ability to make fully informed judgements. A person with a medical, physical or mental disability may also lack the capacity to give consent.

- Being intoxicated by drugs or alcohol does not diminish a person's responsibility to obtain consent from the other party before engaging in sexual activity. Factors to be considered include whether the person knew, or whether a reasonable person in the accused's position should have known, that the victim did not give, or revoked, consent; was incapacitated; or was otherwise incapable of giving consent. There is no definition of consent in the CAL CBC local jurisdiction, the above definition is for purposes of handling complaints under Title IX.

**Domestic Violence** is a form of Sexual Violence and is abuse committed against someone who is a current or former spouse, current or former cohabitant, someone with whom the abuser has a child, someone with whom the abuser has or had a dating or engagement relationship, or a person similarly situated under California domestic or family violence law. Cohabitant means two unrelated persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

**Dating Violence** is a form of Sexual Violence and is abuse committed by a person who is or has been in a social or dating relationship of a romantic or intimate nature. This may include someone the victim just met; i.e., at a party, introduced through a friend, or on a social networking website.

**Stalking** occurs when a person willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety or the safety of his or her immediate family.

#### **A. Reporting incidents of sexual misconduct**

Victims of sexual misconduct may file a report with the local police department. Victims may also file a report with the school's title IX coordinator.

Reports of domestic violence, dating violence, sexual assault, sex discrimination or stalking should be made as soon as possible. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection orders related to the incident more difficult.

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 to them. It is important for the student or employee to preserve evidence that may assist in proving that the alleged criminal offense occurred or in obtaining a protection order.

CSAs assist any complainant with obtaining and enforcing a "No Contact Order" or restraining order and will inform complainants of that right. Complainants may contact the Stockton Police Department or Campus Safety for information about available options. CSAs can assist with no contact orders through the School and will assist with the enforcement of those orders but cannot issue orders of protection such as a restraining order or similar lawful order normally issued by civil, criminal or tribal court.

The victim may choose for the investigation to be pursued through the criminal justice system and school's disciplinary procedures. The school and the criminal justice system work independently from each other. Within the school's disciplinary procedures, CAL CBC is committed to a prompt, fair and impartial process.

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. The victim has the option to be assisted by College authorities in notifying law enforcement authorities if the victim so chooses.

Once the title IX coordinator completes the CAL CBC internal investigation, the coordinator will make a determination as whether the alleged prohibited conduct occurred and whether any School policies were violated. Both the accuser and the accused will be provided with the same opportunities to have others present during any institutional disciplinary proceedings, including the opportunity to be accompanied to any related meeting by the advisor of their choice. All determinations in the investigation shall be based on a "preponderance of the evidence" standard, i.e. whether it is more likely than not the alleged misconduct occurred. In other words, based on the evidence, the investigator will ask: "is it more likely than not that the respondent violated the School's Student Code of Conduct?" The Title IX Coordinator will forward the



investigative report to the appropriate administrator (if the respondent is a faculty or staff member) to determine what, if any, discipline is warranted. If the respondent is a student, the Title IX Coordinator and the Director will determine the appropriate sanctions, if any. The determination as to whether any sanctions will ensue, will be made within 10 business days after the completion of the investigation.

If, after a formal investigation, the respondent is found to have violated the School's Student Code of Conduct, the Director will determine the most appropriate sanction or remedy. The goal of sanctions is to eliminate a hostile environment, prevent the reoccurrence of the misconduct and to address any effects of the misconduct. The Title IX Coordinator will work with faculty and staff to impose any sanctions or remedies. Such sanctions and remedies could include, but are not limited to, the following: An order for no contact between the parties, academic probation, alternate class arrangements, limitations for the respondent to attend classes, expulsion or possible termination from the school. The Director and the Title IX Coordinator will work together to make any necessary changes. The school will take steps to prevent recurrence of any harassment and to correct its discriminatory effects on the complainant and others if necessary.

In the form of a written outcome letter, the Title IX Coordinator shall simultaneously inform both parties of the results of the investigation. The letter shall also inform both parties of their right to appeal the matter and will outline the process for doing so. The letter shall specify the date that any disciplinary determination will be deemed final if no request for review is received from either the complainant or the respondent. Appeal will only be granted if there were any of the following issues with the case: (1) A procedural error in the investigation that substantially affected the outcome; (2) Previously unavailable evidence has come to light that could significantly impact the outcome of the case; (3) the findings were not one that a reasonable investigator could have made and/or (4) The sanctions imposed were not ones that could have been issued by reasonable persons given the findings of the case.

### **B. Support services available**

Counseling, advocacy and support services are available for victims of sexual misconduct, whether or not the victim chooses to make an official report or participate in the school's disciplinary or criminal process. California College of Barbering and Cosmetology does not provide counseling or health care services. Personal counseling offered by the school will be limited to the initial crisis.

CAL CBC will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.

Sexual misconduct crisis and counseling options

**National Resources:**

National sexual assault hotline 800-656-4673

National Domestic Violence Hotline 800-799-7233

The institution will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution will make such accommodations or provide such protective measures if the victim requests them and if they're reasonably available.

**C. Title IX Coordinator**

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

The CAL CBC Title IX coordinator will receive initial and subsequent annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking as well as training on the investigation and hearing process and how it protects the safety of the complainant and promotes accountability. This training, conducted via webinar, will include information on how relevant evidence should be used during a proceeding, the proper techniques for questioning witnesses, basic procedural rules and avoiding actual or perceived conflicts of interest. The Title IX Coordinator shall serve as the hearing coordinator and will handle any logistical issues and maintain documentation of the hearing.

The Title IX Coordinator is

- \* Knowledgeable and trained in the school's policies and procedures and relevant state and federal laws.
- \* Available to advise any individual, including a complainant, respondent, or a third party, about school and community resources and reporting options.
- \* Available to provide assistance to any school employee regarding how to respond appropriately to a report of title IX related prohibited conduct and related retaliation.
- \* Participates in ensuring the effective implementation of this policy, including monitoring compliance with all procedural requirements, record keeping, and timeframes.
- \* Responsible for overseeing training, prevention, and education efforts.

All inquiries or concerns about Title IX may be referred to the schools Title IX coordinator:

Ian Campos  
1024 East March Lane  
Stockton, CA 9525318  
Phone: 209-952-5318  
Email: [icampos@calcbc.com](mailto:icampos@calcbc.com)

## **Confidentiality**

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 Institute 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.

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.

## Definitions of Sexual Misconduct Under California Law

The California Education Code provides that institutional policies governing its campus disciplinary processes must use an affirmative consent standard to determine whether a sexual assault complainant consented to the alleged conduct.

### **Cal. Ed. Code § 67386**

(a)(1) \* \* \* "Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

(a)(2) \* \* \* [I]n the evaluation of complaints in any disciplinary process, it shall not be a valid excuse to alleged lack of affirmative consent that the accused believed that the complainant consented to the sexual activity under either of the following circumstances:

- (A) The accused's belief in affirmative consent arose from the intoxication or recklessness of the accused.
- (B) The accused did not take reasonable steps, in the circumstances known to the accused at the time, to ascertain whether the complainant affirmatively consented.

\* \* \*

(a)(4) \* \* \* [I]n the evaluation of complaints in the disciplinary process, it shall not be a valid excuse that the accused believed that the complainant affirmatively consented to the sexual activity if the accused knew or reasonably should have known that the complainant was unable to consent to the sexual activity under any of the following circumstances:

- (A) The complainant was asleep or unconscious.
- (B) The complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
- (C) The complainant was unable to communicate due to a mental or physical condition.

The California Education Code states that "sexual assault" includes, but is not limited to: rape, forced sodomy, forced oral copulation, rape by a foreign object, sexual battery, or the threat of any of these. (Ed. Code, § 67380(c)(3).)

### **Cal. Pen. Code § 261**

(a) Rape is an act of sexual intercourse accomplished with a person not the spouse of the perpetrator, under any of the following circumstances:

- (1) Where a person is incapable, because of a mental disorder or developmental or physical disability, of giving

legal consent, and this is known or reasonably should be known to the person committing the act.

(2) Where it is accomplished against a person's will by means of force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the person or another.

(3) Where a person is prevented from resisting by any intoxicating or anesthetic substance, or any controlled substance, and this condition was known, or reasonably should have been known by the accused.

(4) Where a person is at the time unconscious of the nature of the act, and this is known to the accused. As used in this paragraph, "unconscious of the nature of the act" means incapable of resisting because the victim meets any one of the following conditions:

- (A) Was unconscious or asleep.
- (B) Was not aware, knowing, perceiving, or cognizant that the act occurred.
- (C) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraud in fact.
- (D) Was not aware, knowing, perceiving, or cognizant of the essential characteristics of the act due to the perpetrator's fraudulent representation that the sexual penetration served a professional purpose when it served no professional purpose.

(5) Where a person submits under the belief that the person committing the act is someone known to the victim other than the accused, and this belief is induced by any artifice, pretense, or concealment practiced by the accused, with intent to induce the belief.

(6) Where the act is accomplished against the victim's will by threatening to retaliate in the future against the victim or any other person, and there is a reasonable possibility that the perpetrator will execute the threat.

(7) Where the act is accomplished against the victim's will by threatening to use the authority of a public official to incarcerate, arrest, or deport the victim or another, and the victim has a reasonable belief that the perpetrator is a public official.

### **Cal. Pen. Code § 286**

(a) Sodomy is sexual conduct consisting of contact between the penis of one person and the anus of another person. Any sexual penetration, however slight, is sufficient to complete the crime of sodomy.

### **Cal. Pen. Code § 288a**

(a) Oral copulation is the act of copulating the mouth of one person with the sexual organ or anus of another person.

### **Cal. Pen. Code § 243.4**

(a) Any person who touches an intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery.



The California Penal Code defines Stalking as follows:

**Cal. Pen. Code § 646.9**

(a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes a credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking, \* \* \*.

(e) For the purposes of this section, "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments, or terrorizes the person, and that serves no legitimate purpose.

(f) For the purposes of this section, "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct."

(g) For the purposes of this section, "credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written, or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or her family, and made with the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety or the safety of his or her family. It is not necessary to prove that the defendant had the intent to actually carry out the threat. \* \* \*

(h) For purposes of this section, the term "electronic communication device" includes, but is not limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. \* \* \*

(i) For purposes of this section, "immediate family" means any spouse, parent, child, any person related by consanguinity or affinity within the second degree, or any other person who regularly resides in the household, or

who, within the prior six months, regularly resided in the household.

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

**Cal. Pen. Code § 13700**

As used in this title:

(a) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another.

(b) "Domestic violence" means abuse committed against an adult or a minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but are not limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing of income or expenses, (3) joint use or ownership of property, (4) whether the parties hold themselves out as husband and wife, (5) the continuity of the relationship, and (6) the length of the relationship.

The California Penal Code does not define "Dating Violence." However, the California Department of Public Health provides the following definition of Teen Dating Violence:

Teen Dating Violence (TDV), also known as Adolescent Relationship Abuse (ARA), can be defined as violence and/or abuse among two adolescents, ages 10-24 in a current, past and/or potential romantic relationship, including physical, verbal, emotional, sexual, economic, technological, and stalking, where there is an imbalance of power and a pattern of coercion over time. (<https://www.cdph.ca.gov/Pages/TeenDatingViolence.aspx>, accessed 8-25-16)