



BEAUTY SCHOOLS
OF AMERICA®

**Campus Security
Policies and Procedures
Handbook**

Beauty Schools of America Emergency Number Quick Reference

Emergency - Call 911

For Ambulance, Fire, or Crime in Progress

Non-Emergency

Miami Campus

Police Department 305-579-6111
Fire Rescue 786-331-5000
Animal Control 305-468-5900

North Miami Beach Campus

Police Department 305-949-5500
Fire Rescue 786-331-5000
Animal Control 305-468-5900

Hialeah Campus

Police Department 305-687-2525
Fire Rescue 305-331-5000
Animal Control 305-468-5900

Homestead

Police Department 305-247-1535
Fire-Rescue 305-331-5000
Animal Control 305-468-5900

Campus contact numbers

NAME	CAMPUS/TITLE	PHONE #	MOBILE #
Guadalupe Herrera	Campus President Hialeah	305-824-2100	954-554-2285
Janet Villegas	Campus President North Miami Beach	305-824-2300	954-512-4979
Sandra Marino	Campus President Homestead	305-824-2400	786-447-4438
Tania Hernandez	Campus President Miami	305-824-2200	305-926-6379

GENERAL INFORMATION & EMERGENCY PREPAREDNESS SOURCES

Daily Crime Log and Daily Fire Log

Available in the office of the Campus President.

Emergency Phone Numbers

Published and can be seen online at www.bsa.edu Campus Security / Emergency Procedures

Beauty Schools of America Campus Security Policies and Procedures Handbook

Published and can be seen online at www.bsa.edu- Campus Security / Emergency Procedures

Beauty Schools of America Student Handbook

Published and can be seen online at www.bsa.edu

Campus Safety Plans

Posted in each building through the campus:

- Active Shooter
- Fire/Alarm Procedures
- Tornado/Severe Weather
- Bomb Threats/Explosions
- Hazardous Material Policy

Crime Reporting Policies and Procedures

Community members, students, faculty, staff, and guests are encouraged to report all crimes accurately and promptly, by victims and witnesses to the appropriate Campus authority, and the appropriate police and law enforcement agencies as soon as possible. If this is not possible for some reason, the crime should be reported to the Campus President and/or the Campus Director of Education immediately. These individuals will notify the institutions Corporate Officer as well as the appropriate law enforcement officials. Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around the campus property should be reported to the Campus President, building security and/or others previously listed.

Confidential Crime Reporting Policies and Procedures

Confidential crime reporting is an essential method of reporting. While the reporting of all crimes is encouraged, it is voluntary for victims and witnesses to do so. For that reason we also have a policy for confidential crime reporting. If you are the victim of a crime and do not want to pursue action within the institutional procedures or the criminal justice system, you may still want to consider making a confidential report. The details of your incident can be reported without revealing your identity to the Campus President. Reports filed in this matter are counted and disclosed in the annual crimes statistics for the institution. The preferred and primary points of crime reporting should be the local police department and the office of the Campus President. If you choose to file a confidential report through the office of the Campus President, with your permission, they can file a report on the details of the incident without revealing your identity. The purpose of a confidential report is to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, Institutional personnel can keep an accurate record of the number of incidents involving students, employees, and visitors; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution. It is the policy of the Institution to encourage reporting of crimes even if the victim does not wish to file a complaint. The Office of Compliance is ultimately responsible for collecting, reporting, and disseminating the annual crime statistics from the local law enforcement agencies and Campus Presidents for inclusion in the Annual Crime Report.

Counselors and Confidential Reporting

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be Campus Security authorities. Campus "Pastoral Counselors" and Campus "Professional Counselors," when acting as such, are not considered to be a Campus Security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for investigation and inclusion into the annual crime statistics.

Counselors are defined as:

Pastoral Counselor

An employee of an institution who is associated with a religious order or denomination recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor

A professional counselor is an employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community, and who is functioning within the scope of his or her license or certification.

Accident and Illness Emergencies

Any accident, illness or emergency should be reported to the Campus President immediately. Campus Presidents will notify the Corporate Director of Operations, Human Resources and the Institutions Attorney. Students are also encouraged to report crimes or suspicious activity to the Campus President, Campus Director of Education or any institutional employee. All institutional employees must notify their Campus President immediately upon report of crime or suspicious activity.

Relationships with State and Local Law Enforcement

In addition to the campus security process, the local law enforcement agency for each campus upon request will regularly patrol the Beauty Schools of America campus and provide security services for campus events. The officers will communicate regularly on the scene of incidents that occur in and around the campus area. The police departments work closely with the staff at Beauty Schools of America when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, as deemed necessary. There is no written memorandum of understanding between the police departments and Beauty Schools of America. State and local law enforcement personnel have arrest authority on the Beauty Schools of America campuses.

The Adam Walsh Child Protection and Safety Act

The **Adam Walsh Child Protection and Safety Act** is a federal statute that was signed into law by U.S. President George on July 27, 2006. The Walsh Act organizes sex offenders into three tiers according to the crime committed, and mandates that Tier 3 offenders (the most serious tier) update their whereabouts every three months with lifetime registration requirements. Tier 2 offenders must update their whereabouts every six months with 25 years of registration, and Tier 1 offenders must update their whereabouts every year with 15 years of registration. Failure to register and update information is a felony under the law. States are required to publicly disclose information of Tier 2 and Tier 3 offenders, at minimum. It also contains civil commitment provisions for sexually dangerous people.

The Act also creates a national sex offender registry and instructs each state and territory to apply identical criteria for posting offender data on the internet (i.e., offender's name, address, date of birth, place of employment, photograph, etc.). The Act was named after Adam Walsh, an American boy who was abducted from a Florida shopping mall and later found murdered.

As of April 2014, the Justice Department reports that 17 states, three territories and 63 tribes had substantially implemented requirements of the Adam Walsh Act.

Florida Department of Law Enforcement Sexual Offenders and Predator

From the FDLE website: <https://offender.fdle.state.fl.us/offender/sops/search.jsf>

This database contains public record information on offenders classified as sexual predators and sexual offenders under Florida law because of a conviction for a sex-related crime. The information is made available to interested citizens to help them educate themselves about the possible presence of such offenders in their local communities. The placement of information about an offender in this database is not intended to indicate that any judgment has been made about the level of risk a particular offender may present to others. This information is made available to assist interested persons in forming their own risk assessments based on the offender's personal circumstances and conviction history. Under Chapter 119, Florida Statutes, the Public Records Law, any of the public records of the Department of Law Enforcement are available for review upon request, subject to statutorily-authorized editing of exempt or confidential information. Your continued access to sexual offender or sexual predator information via this site constitutes your request to view selected information.

- *Positive identification of a person believed to be a sexual predator or a sexual offender cannot be established unless a fingerprint comparison is made.*
- *It is illegal to misuse public records information regarding a sexual predator or a sexual offender as defined by Florida Statutes and to secure a payment from such a predator or offender; to knowingly distribute or publish false information relating to such a predator or offender and to misrepresent such information as being public records information; or to materially alter public records information with the intent to misrepresent the information, including documents, summaries of public records information provided by law enforcement agencies, or public records information displayed by law enforcement agencies on websites or provided through other means of communication. Section 775.21(10)(c), Florida Statutes.*
- *This listing refers to sexual offenses and may not reflect the entire Florida criminal history of a particular individual. A complete public record Florida criminal history can be secured from FDLE for a fee. For more information about this service and its availability on the Internet with the use of a credit card, please visit FDLE's Criminal History Records Webpage.*

The following information related to Sexual Offenders or Sexual Predators is presently accessible as part of the public records at the Florida Department of Law Enforcement (FDLE):

- **FDLE's Current Sexual Predators Registration List:**
This database includes individuals who have been designated as Sexual Predators under the current Florida law which was effective July 1, 1996. This list is updated regularly.
- **FDLE's Current Sex Offender List:**
This database includes individuals who are Sex Offenders under the current Florida law. This list is updated regularly.

FDLE tries to assure that the information presented here is accurate and current. Although FDLE updates this site on a regular basis, the information can change quickly. You are cautioned that it is possible that information provided on this site may not reflect the current residence, status or other information regarding an individual.

FDLE has also established the following toll-free number for public access to FDLE's Missing Persons and Offender Registration: 1-888-FL-PREDATOR (1-888-357-7332). By contacting FDLE at this number, the public can request information about Sexual Offenders living in their communities and around the state. Requests may be made using this toll-free number on business days, between 8:00 a.m. and 5:00 p.m. (EST), Monday through Friday.

Offense and Penalties for False Alarm or Report

Florida Statute 817.49 False reports of commission of crimes; penalty.

Whoever willfully imparts, conveys or causes to be imparted or conveyed to any law enforcement officer false information or reports concerning the alleged commission of any crime under the laws of this state, knowing such information or report to be false, in that no such crime had actually been committed, shall upon conviction thereof be guilty of a misdemeanor of the first degree, punishable as provided in s.775.082 or s. 775.083.

Florida Statute 806.101 False alarms of fires; penalty.

Whoever, without reasonable cause, by outcry or the ringing of bells, or otherwise, makes or circulates, or causes to be made or circulated, a false alarm of fire, shall for the first conviction be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083. A second or subsequent conviction under this section shall constitute a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s.775.084.

Florida Statute 790.163 False report concerning planting a bomb, explosive or weapon of mass destruction, or concerning the use of firearms in a violent manner; penalty.

(1) It is unlawful for any person to make a false report, with intent to deceive, mislead, or otherwise misinform any person, concerning the placing or planting of any bomb, dynamite, other deadly explosive, or weapon of mass destruction as defined in s. 790.166, or concerning the use of firearms in a violent manner against a person or persons. A person who violates this subsection commits a felony of the second degree, punishable as provided in s. 775.082, s. 775.083, or s.775.084.

(2) Notwithstanding any other law, adjudication of guilt or imposition of sentence for a violation of this section may not be suspended, deferred, or withheld. However, the state attorney may move the sentencing court to reduce or suspend the sentence of any person who is convicted of a violation of this section and who provides substantial assistance in the identification, arrest, or conviction of any of his or her accomplices, accessories, coconspirators, or principals.

(3) Proof that a person accused of violating this section knowingly made a false report is prima facie evidence of the accused person's intent to deceive, mislead, or otherwise misinform any person.

(4) In addition to any other penalty provided by law with respect to any person who is convicted of a violation of this section that resulted in the mobilization or action of any law enforcement officer or any state or local agency, a person convicted of a violation of this section may be required by the court to pay restitution for all of the costs and damages arising from the criminal conduct.

Timely Warning Policies and Notification Procedures

In compliance with the "Timely Notice" provisions of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of 1998, timely warnings are made to the campus community about any occurrences that would pose a threat to the Institution community. Timely warnings are issued through the Office of the President and/or the Beauty Schools of America Corporate Office. These reports are distributed in various ways depending on the nature of the threat.

In the event that a situation arises, either on or off campus, that, in the judgment of the Beauty Schools of America Executive Board, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the Institution emergency notification system, via text message, phone message, and e-mail to students, faculty, and staff. Depending on the particular circumstances of the crime, especially in all situations that could pose an immediate threat to the community and individuals, the Corporate Director of Operations may also post a notice on the campus website and other social media venues, providing the school community with more immediate and wide spread notification. In such instances, a copy of the notice will also be posted in all student building.

Anyone with information warranting a timely warning should report the circumstances to the Campus President, Corporate Compliance Officer, Corporate Director of Operations:

Emergency Preparedness, Response, Notification and Evacuation Procedures

The authority to declare a campus state of emergency rests with the Executive Board or their designee(s). Beauty Schools of America personnel and administrators have received training in responding to critical incidents on campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually Campus President, and other school administrators. These individuals typically respond and work together to confirm if a legitimate emergency or dangerous situation exists, and manage the incident to resolution. Depending on the nature of the incident, other Beauty Schools of America departments and other local or federal agencies could also be involved in responding to the incident.

Upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, and to the extent the situation affects part or all of the campus, the campus community will be immediately notified via our texting system, or in the event the emergency is isolated, that portion of the campus community would be notified directly. The situation would be assessed on a continuous basis, and the campus community updated, until the emergency situation has been completely resolved or the threat no longer exists.

If Beauty Schools of America confirms that there is an emergency or dangerous situation that poses an immediate threat to the health or safety of some or all members of the Beauty Schools of America campus community, the Campus President, Corporate Directors and Executive Board will collaborate to determine the content of the message and will use some or all of the systems described below to communicate the threat to the Beauty Schools of America campus community or to the appropriate segment of the community, if the threat is limited to a particular building or segment of the population. Beauty Schools of America administration will, without delay and taking into account the safety of the campus community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of the first responders, compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

During a time of campus emergency, the employee discovering the emergency shall immediately notify the Campus President. If not available, the employee will contact any other senior Institution administrator. During evening classes, said employee shall contact the Campus President immediately. The contacted Campus President shall determine a course of action and notify the Executive Board on whether to declare a state of

emergency and if necessary, place into effect the appropriate procedures necessary to meet the emergency, safeguard persons and property, and maintain educational facilities.

In the event of a serious incident that poses an immediate threat to members of the Beauty Schools of America campus community, the Institution has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an immediate threat to the campus community. These methods of communication include emails, emergency text messages that can be sent to a mobile phone, tablet or computer, and emergency messages that scroll across the Beauty Schools of America Institution website. The Institution will post updates during a critical incident on the web site at www.bas.edu.

Communication is a high priority in an emergency situation and Beauty Schools of America Institution has multiple layers of communications to notify the campus community of emergency situations.

- A phone, text message and email alert system that will alert students, faculty, and staff via Beauty Schools of America issued email and registered mobile phone numbers.
- Beauty Schools of America Email – Emergency notifications are sent to Beauty Schools of America Faculty and staff email addresses and mobile phone numbers. All faculty and staff are issued a Beauty Schools of America email address.
- Beauty Schools of America Web Site – All emergency notifications are posted and updated on the Beauty Schools of America web site home page, www.bsa.edu.

If the situation warrants it, the Executive Board will communicate emergency information to individuals and/or organizations outside of the campus community, other than emergency responders. This may include any or all of the following: local news media, radio, television and print; City Government; parents, guardians, alumni, and churches and schools in the neighboring community. The method of communicating with each of these external constituents would be dictated by the severity and urgency of the emergency and may include telephone, email, flyers, press release, etc.

General information about the emergency response and evacuation procedures for Beauty Schools of America are publicized each year as part of the institution's Clery Act compliance efforts and that information is available on the Beauty Schools of America web site. Detailed information about and updates to the Beauty Schools of America emergency response procedures are available on its web site at www.bsa.edu.

The Institution's emergency response procedures include information about Institution operating status parameters; incident priorities and performance expectations; shelter-in-place and evacuation guidelines; and local contingency and continuity planning requirements. Institution Departments are responsible for developing contingency plans and continuity of operations plans for their staff and areas of responsibility. The Institution conducts numerous emergency response exercises each year, such as table top exercises, field exercises, and tests of the emergency notification systems on campus. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution.

All members of the Beauty Schools of America campus community are notified on an annual basis that they are required to notify the Beauty Schools of America of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and safety of students and/or employees on campus. Beauty Schools of America has the responsibility of responding to,

and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the Beauty Schools of America has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If that is the case, Federal Law requires that the institution immediately notify the campus community or the appropriate segments of the community that may be affected by the situation.

Evacuation

Buildings on campus have an emergency notification system in place. The fire alarm system serves as the evacuation signal. Whenever the alarm system sounds, everyone must leave the building and move to a safe location. Building maps showing exits and where to assemble are posted throughout each facility on campus. Additionally, Text messaging, is the official emergency notification system for Beauty Schools of America, providing critical information via text message, phone message, and email. The process may be triggered for evacuation, inclement weather, power outages, or unscheduled closures. During emergencies, check your email or the BSA web page or call the emergency hot line at 305-824-2045 for details. If a closure notice has not been sent, assume the Institution is open. Standard text messaging fees from service providers may apply.

Testing and Evaluation of Emergency Response and Evacuation Procedures

Beauty Schools of America will inspect the fire alarm systems using a licensed, fire and security company. The fire system and campus notification systems will be tested campus-wide at least once per calendar year. Testing Emergency Response and Evacuation Procedures will also be tested campus-wide at least once per calendar year. These events will be publicized and the time and date will be documented.

These tests will address emergency response and evacuation on a campus wide scale. Students, faculty and staff will learn the locations of the emergency exits in the buildings and are provided guidance about the direction they should travel when exiting each facility for a building evacuation. The purpose of evacuation drills is to prepare building occupants for an organized evacuation in case of an emergency. At Beauty Schools of America, evacuation drills are used as a way to educate and train occupants on issues specific to their building. During the drill, occupants 'practice' drill procedures and familiarize themselves with the location of exits and the sound of the fire alarm.

If an incident occurs and the building you are in is not damaged, stay inside-seeking an interior room-until you are told it is safe to come out. If your building is damaged, take your personal belongings (purse, wallet, etc.) and follow the evacuation procedures for your building (close your door, proceed to the nearest exit, and use the stairs instead of the elevators). Once you have evacuated, seek shelter at the nearest Institution building quickly. If police or fire department personnel are on the scene, follow their directions.

Evacuation plans for each building, campus wide will be reviewed, tested and publicized annually. Notice of the test will be publicized via phone, text message and email alert system that will alert students, faculty, and staff via Beauty Schools of America issued email and registered mobile phone numbers. The results of the test will be documented and maintained in the Campus Presidents office.

Maintenance of Campus Facilities

Beauty Schools of America's maintenance and Campus President maintain the Institutions buildings with a concern for safety and security. In order to provide a safe environment, please report broken or flickering lights, dimly lit corridors, doors and windows that are broken or do not close or lock properly. Inspections of campus facilities are conducted regularly and repairs are made in a timely manner. All members of the campus community are encouraged to report any safety and security hazards to the Campus President, maintenance person or other authority for the campus.

Alcohol and Drug Policy

Beauty Schools of America is committed to maintaining a drug and alcohol free campus for employees and students. This is an essential part of ensuring the safety of employees and students while at work and school, and eliminating poor job performance, inefficient operations, institution rule violations, and unethical behavior. The users of drugs may impair the well-being of all employees and the public at large, as well as result in damage to Institutional property. Therefore, it is the policy of Beauty Schools of America and the State of Florida that it is unlawful to manufacture, distribute, dispense, possess or use a controlled substance on the Beauty Schools of America Campus.

The Institution does not condone violations of federal, state, or local laws regarding any illegal drugs, narcotics, or dangerous substances. Beauty Schools of America campus has been designated "Drug free" and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by the institution. Violators are subject to disciplinary action under the Institution's Student Code of Conduct, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21 in the State of Florida. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of the Beauty Schools of America Alcohol Policy for anyone to consume or possess alcohol in any public or private area of campus without prior approval by the Institution. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the Institution. The Institution does not permit the use or possession of illegal drugs, or firearms of any kind on the campus, at any Institution sponsored activity, or when representing the Institution.

A violation of any local, state or federal law regarding alcohol is also a violation of Beauty Schools of America *Student Code of Conduct*, and will be treated as a separate disciplinary matter by the Institution. Any student found using, under the influence of, in possession of, or found distributing illegal drugs and/or alcohol is subject to disciplinary action or sanctions by the Institution, (consistent with local, State, and Federal law), up to and including expulsion and referral for prosecution and possible punishment under the law accordingly

Employee Alcohol and Drug Policy

In compliance with federal law, Beauty Schools of America maintains a drug-free workplace policy. The term "drug" as used in this policy includes alcoholic beverages, prescription drugs, as well as illegal inhalants and illegal drugs and/or controlled substances. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a satisfactory and safe manner that does not endanger other individuals in the workplace. Employees, as well as those who perform work for the Institution but are not employees (e.g., independent contractors, temporary agency personnel, authorized volunteers) are prohibited from unlawfully manufacturing, distributing, selling, offering to sell, dispensing, possessing, purchasing or using alcohol, illegal or controlled substances, or other intoxicants on the premises of the Institution, at any time either during work hours or non-work hours, including meal and break periods. The entire Institution campus is considered the workplace. Any individual who conducts business for Beauty Schools of America, is applying for a position or is conducting business on the organization's property is covered by our drug-free workplace policy. Our drug-free workplace policy is intended to apply whenever anyone is representing or conducting business for Beauty Schools of America. Therefore, this policy applies during all working hours, whenever conducting business or representing Beauty Schools of America and at company-sponsored events, on campus, or off campus.

An employee's use of a legal drug can also pose a significant risk to the safety of the employee and the Institution's community. The use or being under the influence of any legally obtained drug by any employee performing Beauty Schools of America business or in an Beauty Schools of America facility is prohibited to the extent such use or influence may affect the safety of co-workers or members of the public, the employee's job performance or the safe or efficient operation of the Beauty Schools of America facility.

Communicating our drug-free workplace policy to both supervisors and employees is critical to our success. To ensure all employees are aware of their role in supporting our drug-free workplace program all employees will receive a written copy of the policy. It is the supervisor's responsibility to:

- Inform employees of the drug-free workplace policy.
- Observe employee performance.
- Investigate reports of dangerous practices.
- Document negative changes and problems in performance.

Entering Beauty Schools of America property constitutes consent to searches and inspections. If an individual is suspected of violating the drug-free workplace policy, he or she may be asked to submit to a search or inspection at any time. Searches can be conducted of pockets and clothing, wallets, purses, briefcases and lunchboxes, desks and work stations and vehicles and equipment

All drug-testing information will be maintained in separate confidential records. Any employee who tests positive will be immediately removed from duty, referred to a substance abuse professional for assessment and recommendations and required to meet with and be cleared to return to work by Executive Board and Human Resources.

An employee will be subject to the same consequences of a positive test if he/she refuses the screening or the test, adulterates or dilutes the specimen, substitutes the specimen with that from another person or sends an

imposter, will not sign the required forms or refuses to cooperate in the testing process in such a way that prevents completion of the test.

All information received by the organization through the drug-free workplace program is confidential communication. Access to this information is limited to those who have a legitimate need to know in compliance with relevant laws and management policies.

Beauty Schools of America recognizes that alcohol and drug abuse and addiction are treatable illnesses. We also realize that early intervention and support improve the success of rehabilitation. To support our employees, our drug-free workplace policy encourages employees to seek help if they are concerned that they or their family members may have a drug and/or alcohol problem.

The Institution retains the right to require any employee to undergo drug and/or alcohol testing as part of a routinely scheduled fitness-for-duty medical exam to the extent such an exam is regularly conducted on the employee. Also, any employee may be required to undergo drug and/or alcohol testing which is routinely scheduled for all members of the employee's classification or group.

An employee who refuses to consent to a drug and/or alcohol test when a reasonable suspicion of drug or alcohol use has been identified, a post-accident/incident has occurred or the employee occupies a safety and security sensitive position, is subject to disciplinary action up to and including termination of employment. The reason(s) for refusal shall be considered in determining the appropriate disciplinary action. Reasons for refusal shall be documented in writing by the Human Resource Director.

All information from an employee's drug and alcohol test is confidential and only Beauty Schools of America, tested employee, or authorized agents of Beauty Schools of America or employee are to be informed of test results. Disclosure of test results to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee. The results of a positive drug test shall not be released until the results are confirmed. The records of unconfirmed positive test results and negative test results shall be destroyed by the testing laboratory.

Any employee found using, under the influence of, in possession of, or found distributing illegal drugs and/or alcohol is subject to disciplinary action or sanctions by the Institution, (consistent with local, State, and Federal law), up to and including termination of employment and referral for prosecution, and possible punishment under the law accordingly.

Disciplinary Complaints for Sexual Discrimination, Harassment and Misconduct

Title IX protects the Beauty Schools of America community from sexual discrimination, harassment and misconduct in a school's educational programs and activities. Title IX protects the Beauty Schools of America community in connection with all academic, educational, extracurricular and other programs, whether those programs take place on Beauty Schools of America property, at a class or training program sponsored by Beauty Schools of America at another location or elsewhere.

All complaints or any concerns about conduct that may violate this Policy should be submitted to the Campus President or other senior Institution Administrators as soon as possible.

Filing Report with Local Law Enforcement

In some instances, sexual misconduct may constitute both a violation of Beauty Schools of America policy and criminal activity. The Beauty Schools of America disciplinary complaint process is not a substitute for instituting legal action. Beauty Schools of America encourages individuals to report alleged sexual misconduct promptly to campus officials and to law enforcement authorities, where appropriate. Individuals may file a report directly with local law enforcement agencies by dialing 911 or directly to the local police department.

Preserving Evidence

It is important that evidence of sexual assault be preserved, because it may be needed for prosecuting the criminal case. Victims and others should not alter the scene of the attack. The victim should not change clothes, bathe or shower, drink or eat anything, or brush her/his teeth before reporting the assault. Any items worn by the victim during the assault, but are not currently being worn, and any materials encountered during the assault should be placed in a plastic bag and brought along with the victim to a local hospital emergency department that has kits to collect and preserve evidence of rape and sexual assault.

Student and Visitor Responsibility to Report

Students and visitors to Beauty Schools of America are strongly encouraged to report allegations of discrimination, harassment, retaliation and sexual misconduct to the Campus President, and/or their appointed designee. A report should be made as soon as possible after the incident in order to facilitate an effective response. The longer a report is delayed, the more difficult it will be for Beauty Schools of America to investigate. Reports may be made by the person experiencing the misconduct or by a third party, such as a witness or someone who is told of the misconduct.

Mandatory Employee Reporting

In order to enable Beauty Schools of America to respond effectively and to proactively stop instances of discrimination, harassment, retaliation and sexual misconduct at Beauty Schools of America, all employees must, within 24 hours of receiving information regarding a potential violation of this Policy, report information to the Campus President. Only employees who are statutorily prohibited from reporting such information (e.g., licensed health-care professionals) are exempt from these reporting requirements.

Off-Campus Conduct

Conduct that occurs off campus can be the subject of a complaint or report and will be evaluated to determine whether it violates this Policy. Allegations of off-campus sexual misconduct are of particular concern and should be brought to the attention of the Campus President or other Beauty Schools of America Administrator's attention immediately.

Confidentiality

Subject to the other provisions of this procedure and the requirements of law, every possible effort will be made to ensure that all information received as part of Beauty Schools of America incident report is treated discreetly. All parties to the complaint are required to maintain the confidentiality of all information received during this process. However, it is not possible to guarantee that all complaints will remain confidential because of Beauty Schools of America's obligation to investigate allegations of misconduct. All requests to maintain confidentiality shall be directed to Campus President who will consult with the Corporate Officers and Executive Board who has the authority to make such determinations. Except as compelled by law or in the interest of fairness, just resolution or health and safety considerations, disclosure of information contained in complaints, their substance, procedures and the results of investigations will be limited to the immediate parties, witnesses and other appropriate officials. Limited disclosure may also be necessary to conduct a full and impartial investigation.

Availability of Counseling and Advocacy

Counseling and other mental health services for victims of sexual assault are available in the community. Miami Dade Community Action and Human Services Department may assist with making referrals for individual counseling and support groups and in identifying community resources that may be of additional help and serve as a victim advocate upon request. They may be accessed by phone at 305-758-2546 or website

www.safespacefoundation.org

Education and Awareness Programs

Beauty Schools of America Human Resource office, in conjunction with other campus offices, is responsible for planning and coordinating campus education and awareness programs about all forms of sexual assault, including rape, acquaintance rape, domestic violence, dating violence, and other sex offenses. Programs are presented throughout the academic year in student academic classes and employee training and professional development.

Policy Expectations with Respect to Consensual Relationships

There are inherent risks in any romantic or sexual relationship between individuals in unequal positions (such as teacher and student, or supervisor and employee). These relationships may be less consensual than perceived by the individual whose position confers power. The relationship also may be viewed in different ways by each of the parties, particularly in retrospect. Furthermore, circumstances may change, and conduct that was previously welcome may become unwelcome. Even when both parties have consented at the outset to a romantic or sexual involvement, this past consent may not remove grounds for a later charge of a violation of Policy. Beauty Schools of America does not wish to interfere with private choices regarding personal relationships when those relationships do not interfere with the goals and policies of Beauty Schools of America. However, for the personal protection of members of this community, relationships in which power differentials are inherent (faculty-student, staff-student, administrator-student or employee) are prohibited except in extraordinary circumstances. Consensual romantic or sexual relationships in which one party maintains a direct supervisory or evaluative role over the other party are unethical. Therefore, persons with direct supervisory or evaluative responsibilities who are involved in such relationships must bring those relationships to the timely attention of their supervisors. This will likely result in the necessity to remove the employee from the supervisory or evaluative responsibilities, or will shift the student or employee out of being supervised or evaluated by someone with whom he or she has established a consensual relationship. Failure to self-report such relationships to a supervisor as required can result in disciplinary action for an employee, up to and including termination.

Disciplinary Complaint Proceedings

Upon receiving a report of alleged dating violence, domestic violence, sexual assault or stalking incident, the Corporate Office and Executive Board will evaluate the information received and determine what further actions should be taken. The designated official(s) will take steps, either directly with the complainant or through a reporting employee, to gather information about the alleged incident, as well as providing the alleged victim with a written explanation of their rights and options, regardless of whether the offense occurred on campus, including written notification of available victim advocacy resources, student financial aid, options for criminal reporting, and the availability of changes to academic, working situations, or protective measures regardless of whether the victim reports to law enforcement.

This complaint procedure deals with sexual misconduct including but not limited to dating violence, domestic violence, sexual assault or stalking, all other complaints or grievances will be handled in accordance with procedures set out in the Beauty Schools of America Student or Employee Handbook.

I Investigation

The Campus President, Corporate office and/or Executive Board will be responsible for overseeing the prompt, fair, and impartial investigation and resolution of complaints filed with Beauty Schools of America. They will investigate all complaints of sexual misconduct and determine any accommodations or other remedial short-term actions necessary in light of the individual circumstances presented. The Campus President, Corporate Director, and/or Executive Board or his/her designee, who will have been properly trained, will:

- identify the correct policies allegedly violated;
- conduct an immediate initial investigation to determine if there is reasonable cause to charge the Respondent(s);
- meet with the Complainant to finalize the complaint;
- prepare the notice of charges on the basis of initial investigation;
- develop a strategic investigation plan which may include a witness list, an evidence list, an intended timeframe, and an order of interviews for all witnesses, including the Respondent;
- conduct a thorough, reliable and impartial investigation during which witnesses may or may not be given notice prior to the interview;
- complete the investigation promptly, and without unreasonable deviation from the intended timeline;
- make a written finding on the case, based on a preponderance of the evidence, which indicates that it is more likely than not that a Policy violation has or has not occurred, and identifies appropriate remedies and/or sanctions, if any;
- prepare a complete report on the investigation and findings; and
- at any point during the investigation it is implied that a crime may have been committed, the proper, local, State or Federal authorities will be contacted to assist with or conduct the investigation.

As noted above, an investigation of the complaint will be conducted by one or more individual indicated unless it is clear from the face of the complaint or the initial meetings with the parties that no reasonable grounds exist for believing that the conduct at issue violates this Policy.

In the event that the complaint was made by someone other than the alleged victim, Institution will consider the following factors in determining whether it is reasonable to investigate the complaint:

- the source and nature of the information,
- the seriousness of the alleged incident,
- the specificity of the information,
- the objectivity and credibility of the source of the information,
- whether the alleged victims can be identified, and
- whether those individuals wish to pursue the matter.

In the event that the Institution determines that an investigation of the complaint should not be conducted, he/she will determine and document (in consultation, as necessary, with the alleged victim, the Respondent and any other Beauty Schools of America administrator(s) the appropriate resolution of the complaint and inform the parties of the same.

With all complaints, if it is determined that an investigation should be conducted, the matter will promptly be investigated. The existence of concurrent criminal investigations or proceedings shall not delay the

investigation of any complaint filed under this Policy.

If another individual is designated to investigate the matter, the investigator's name and contact information will be given to the alleged victim and the Respondent and will forward the complaint to the investigator. Within three (3) days of such appointment, the investigator, the alleged victim or the Respondent may identify in writing any real or perceived conflicts of interest posed by assigning such investigator to the matter. The submission will be carefully considered and the matter assigned to a different individual as investigator if it is determined that a material conflict of interest exists.

Upon receipt of the complaint, designated official will promptly begin the investigation, which shall include but is not limited to the following:

- conducting interviews with the Complainant, the alleged victim (if not the Complainant), the Respondent, and third-party witnesses (including expert witnesses, where applicable) and summarizing such interviews in written form;
- visiting, inspecting, and taking photographs at relevant sites; and
- where applicable, collecting and preserving relevant evidence (in cases of corresponding criminal reports, this step may be coordinated with law enforcement agencies).

Throughout the investigation, the investigating individual(s) will remain neutral. It should be obtained, where applicable and where possible, the written consent of any third-party witnesses to the disclosure, as contemplated by this Policy, of any personally identifiable information contained in the Complaint, the Investigative Report, and for any other documents the disclosure of which is contemplated by this Policy in order to further the resolution of the complaints.

Initial Meeting with Complainant and/or Alleged Victim

As soon as is practicable, the Institution's assigned person will contact the Complainant and the alleged victim (if not the Complainant) to schedule an initial meeting to, as applicable:

- provide a copy of this Policy;
- provide a document which the Complainant will, if he or she agrees to disclose the information, provide details regarding the allegation, includes the name of the accused individual and the date, location and general nature of the alleged violation of Policy (the document may be completed by Complainant or dictated to the Dean of Student Talent and/or the Chief Financial Officer, who will confirm the accuracy of his or her documentation with the Complainant);
- explain avenues for resolution;
- explain the steps involved in an investigation under this Policy;
- discuss confidentiality standards and concerns;
- determine whether the Complainant or the alleged victim (if not the Complainant) wish to pursue a resolution through Beauty Schools of America Institution, law enforcement, or no resolution of any kind;
- refer to law enforcement, counseling, medical, academic or other resources, as appropriate;
- and discuss, as appropriate, possible interim measures that can be provided during the pendency of the investigative and resolution processes.

Interim Protective Measures

Unless circumstances dictate otherwise, a “No Contact” order to all parties upon notice of any sexual assault complaint will be issued. In all cases, Beauty Schools of America may implement any necessary interim measures, deemed appropriate and reasonably available, regardless of whether a complaint has been filed (with either campus administrators or law enforcement agencies) or whether an investigation has commenced (by either campus administrators or law enforcement agencies). Interim measures may include, but are not limited to:

- issuing no-contact orders;
- providing an escort to ensure that an individual can move safely between classes, work, and/or activities;
- changing work arrangements or location;
- changing dorm room assignments;
- rescheduling class work, assignments, and examinations;
- arranging for the Complainant to take an incomplete in a class;
- reassigning class section;
- permitting a temporary withdrawal from Beauty Schools of America;
- providing alternative course completion options;
- providing academic support services.

Following the initial meeting with the Complainant and the alleged victim (if not the Complainant), the Institution Designee, if applicable, will promptly determine the interim measures to be provided to the alleged victim. Such determination will be promptly communicated to the alleged victim, and no later than the point at which it is communicated to the Respondent.

Initial Meeting with Respondent

If the Complainant or alleged victim (if not the Complainant) wishes to pursue resolution through Beauty Schools of America or if Beauty Schools of America otherwise deems that a further investigation is warranted, as soon as is reasonably practicable after the Institutional Designee initial meeting with the Complainant (and, if applicable, the alleged victim), the Designee will schedule an initial meeting with the Respondent. During the initial meeting with the Respondent, the Investigator will, as applicable:

- provide sufficient written information, consistent with privacy laws and any request for confidentiality, to allow Respondent to address the allegation (e.g., the name of the Complainant/alleged victim, the date, location, nature of the alleged violation of Policy, etc.);
- provide a copy of this Policy;
- explain Beauty Schools of America procedures for resolution of the complaint;
- explain the steps involved in an investigation under this Policy;
- discuss confidentiality standards and concerns;
- discuss non-retaliation requirements;
- inform of any interim measures already determined and being provided to the Complainant and/or the alleged victim that would directly affect the Respondent (e.g., changing his or her class schedule, etc.);

- refer to law enforcement, counseling, medical, academic or other resources, as appropriate; and
- discuss, as appropriate, possible interim measures that can be provided to the Respondent during the pendency of the investigative and resolution processes.

Investigative Report

The Institutional designee shall complete a written incident report that shall include the following items:

- the name and sex of the alleged victim and, if different, the name and sex of the person reporting the allegation (It should also include any other relevant protected class characteristics if the complaint involves a violation of this Policy based on a protected status other than gender);
- a statement of the allegation, a description of the incident(s), and the date(s) and time(s) (if known) of the alleged incident(s);
- the date that the complaint or other report was made;
- the date the Complainant and alleged victim (if not the Complainant) were interviewed;
- the date the Respondent was interviewed;
- the names and sex of all persons alleged to have committed the alleged violation of this Policy (It should also include any other relevant protected status characteristics if the complaint involves a violation of this Policy based on a protected status other than gender);
- the names and sex of all known witnesses to the alleged incident(s);
- the dates that any relevant documentary evidence (including cell phone and other records as appropriate) was obtained;
- any written statements of the Complainant (or victim, if different from the Complainant), the Respondent and any witnesses;
- summaries of all interviews conducted, photographs, and descriptions of relevant evidence, summaries of relevant electronic records, and a detailed report of the events in question;
- a written finding on the case, based on a preponderance of the evidence which indicates whether or not it is more likely than not that a Policy violation has occurred;
- the policy or policies violated and, in consultation, as necessary, with the Complainant, alleged victim (if different than the Complainant), Respondent, and other Beauty Schools of America officials, any remedial and/or disciplinary action deemed appropriate under the circumstances;
- the response of Beauty Schools of America personnel including any interim measures and permanent steps taken with respect to the Complainant, alleged victim (if different than the Complainant) and the Respondent; and
- a narrative of all action taken to prevent recurrence of any harassing incident(s), including any written documentation.

If the Institutional Designee is unable to obtain the consent of third-party witnesses, he or she will redact the incident report to the extent necessary to avoid inappropriate disclosure of such witness's personally identifiable information, while ensuring that such redaction does not prevent resolution of the complaint.

If the Institutional Designee determines and documents, based on the investigation, that reasonable grounds exist to believe that the conduct at issue constitutes a violation of this Policy, the Corporate Director and/or

Executive Board will determine the appropriate remedy and/or sanction to be imposed and will include the appropriate remedy and/or sanction in the Incident Report. Imposition of the appropriate remedy and/or sanction will be imposed only after all appeals have been exhausted.

In determining the appropriate remedy and/or sanction, Beauty Schools of America will act to end the discrimination, harassment, retaliation or sexual misconduct, prevent its recurrence and remedy its effects on the victim and/or Beauty Schools of America community. Sanctions will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this Policy, or both. Sanctions may include, without limitation, for employees: withholding a promotion or pay increase; reassigning employment; terminating employment; temporary suspension without pay; compensation adjustments; and for students: expulsion or suspension from Beauty Schools of America; disciplinary probation; mandated counseling; educational sanctions as deemed appropriate (consistent with local, State, and Federal law); and, in either case, referral for prosecution and possible punishment under the law accordingly.

The Institutional Designee shall complete and distribute the Incident Report, concurrently, to the alleged victim and Respondent within thirty (30) calendar days following receipt of a complaint. All parties to whom the Incident Report is distributed pursuant to this Policy should maintain it in confidence. The Incident Report may only be disclosed as contemplated by this Policy.

If the Institutional Designee finds no reasonable grounds to believe that the conduct at issue constitutes a violation of this Policy, then he/she will determine and document the appropriate resolution of the complaint in the Incident Report and will promptly notify the parties of that determination.

Appeal involving Faculty/Staff

All appeals where the Respondent is a Beauty Schools of America faculty or staff member shall be made to the Human Resource Director, Executive Board or his/her designee. Both the alleged victim and the Respondent may appeal any or all of the decision in writing to the Human Resource Director or his/her designee within ten (10) days of receipt of the Incident Report. The appeal should include a brief statement describing any or all parts of the Incident Report that is being appealed and the reason for appeal. Acceptable means of notification include email, facsimile, hand delivered notification or postal delivery.

Within thirty (30) days of receipt of the appeal, the Human Resource Director, Executive Board or his/her designee will make a final determination as to whether the complaint should be closed, whether a violation of Policy has occurred, and/or whether any additional or different remedial action or sanctions are warranted and will concurrently notify the alleged victim and the Respondent of his/her decision.

All faculty and staff members of Beauty Schools of America are at-will employees who may be terminated at any time, with or without cause. With regard to such faculty and staff, nothing in this Policy shall create an expectation of continued employment with Beauty Schools of America or be construed to prevent or delay Beauty Schools of America from taking any disciplinary action deemed appropriate (including suspension and immediate termination of employment) for any violation of local, State, or Federal law or Beauty Schools of America policy.

Appeal Involving a Student

In those instances where the Respondent is a Beauty Schools of America student, the alleged victim and/or the Respondent may appeal any or all of decision to a Panel by providing a written appeal to the Campus President or his/her designee. The appeal must be submitted within ten (10) days of receipt of the Incident Report and must include a brief statement describing any or all parts of the Incident Report being appealed and the reason for appeal. Acceptable means of notification include email, facsimile, hand delivered notification or postal delivery.

Within three (3) days of receiving the appeal, the Corporate Director, Executive Board or his/her designee will appoint the members of a Panel, to include at least three faculty and/or staff members. Institutional designee will select one member of the Hearing Panel to act as the Chair. The Corporate Director will provide a copy of the complaint and the Incident Report to each member of the Panel and, if only a portion of the findings and determinations are appealed, the Corporate Director will specify which part(s) of the alleged misconduct will be

the subject of the hearing.

Promptly after the appointment of the members of the Panel, the Corporate Director will provide concurrent written notice to the alleged victim and the Respondent, setting forth the names of the individuals selected to serve on and chair the Panel. Further will also specify in the notice which part(s) of the alleged misconduct will be the subject of the hearing.

The parties may challenge the participation of any member of the Panel by submitting a written objection to the Campus President or his/her designee within three (3) days of receipt of the notice of the composition of the Panel. Any objection must state the specific reason(s) for the objection. Institutional designee will evaluate the objection and determine whether to alter the composition of the Panel. Failure to submit a timely and proper objection will constitute a waiver of any right of objection to the composition of the Panel. Any changes in the composition of the Panel will be provided in writing to both parties prior to the date of the hearing.

Submission of Written Materials

Within five (5) days of receipt of the notice of the initial composition of the Panel, the alleged victim and the Respondent may provide the Chair of the Panel with a list of witnesses, if any, that they propose that the Panel call and a brief description of each proposed witness's connection to and/or knowledge of the issues in dispute, any supporting documents or other evidence, and a written statement of position.

Notice of the Hearings

Not less than five (5) days but not more than ten (10) days after delivery of notice of the initial composition of the Panel to the parties, the Panel will provide a separate notice to the alleged victim, Respondent and any witnesses or other third parties whose testimony the Panel deems relevant, requesting such individuals to appear before the Panel. The notice should set forth the date, time, and location for the individual's requested presence. The Panel shall provide the names of the witnesses or other third parties that the Panel plans to call in its notices to the alleged victim and the Respondent. The hearing shall be conducted within twenty (20) days but no sooner than ten (10) days of the receipt of the appeal.

Failure to Appear

If any party fails to appear before the Panel if requested to do so, and such party was provided proper notice of the hearing as set forth above, then absent extenuating circumstances, the Panel will proceed to determine the resolution of the complaint.

Support Persons

Both the alleged victim and the Respondent may be accompanied by one support person to assist them during the hearing process. This support person can be anyone, including an attorney, but the support person may not take part in the hearing. The support person may not address the Panel, present evidence, make objections or statements, ask questions of any party or witness or otherwise participate in the hearing, beyond privately communicating with the party that he/she is supporting. The Chair must be notified five (5) business days in advance of the hearing if a party will be accompanied by a support person. The Chair may disallow the attendance of any support person if he/she is also a witness or if, in the discretion of the Chair, such person's presence would be disruptive or obstructive to the hearing or otherwise warrant removal. All support persons must agree to keep any and all information presented in the hearing confidential in order to attend. Absent accommodation for disability, the parties may not be accompanied by any other individual during the hearing process except as set forth in this Policy. Beauty Schools of America officials may seek advice from the Institution's external Attorneys and legal advisors on questions of law and procedure at any time during the process.

Evidentiary Matters

The alleged victim and the Respondent will have an equal opportunity to present evidence during their hearing. Formal rules of evidence will not be observed during the hearings.

Prior Sexual Conduct

Evidence of the prior sexual conduct of the alleged victim and the Respondent with others will not be permitted at the hearings, with the following exceptions:

- evidence is permitted to show that the alleged victim has in the past been formally disciplined by Beauty Schools of America for falsely filing complaints alleging a violation of this Policy;
- evidence is permitted to show that the Respondent has in the past been either convicted in a criminal proceeding or formally disciplined by Beauty Schools of America for conduct which would violate this Policy, if deemed relevant; and
- evidence regarding the past sexual activity of the Respondent (regardless of whether the Respondent was formally charged with a violation of the Policy with respect to such conduct) may be permitted to show that the Respondent has engaged in a pattern of behavior similar to the alleged violations of policy at issue before the Panel, provided that (1) the Respondent has not been found “not responsible” by Beauty Schools of America in a proceeding related to such conduct and (2) the Chair has made written findings both that the evidence is reliable and trustworthy and that the conduct is sufficiently and substantially similar to the conduct at issue before the Panel to suggest a pattern of behavior.

Hearing Proceedings Procedure

In the interest of maintaining order on the campus and guaranteeing the broadest range of freedom to each member of the community, the students and other members of the Institutions community acting in concert have established rules to maintain order. These rules reasonably limit some activities and prescribe certain behavior, which is harmful to the orderly operation of the institution and the pursuit of its legitimate goals. All enrolled students are held accountable to these rules, which are printed in the Student Handbook.

The Panel will conduct a hearing during which it will interview and question the Complainant, the alleged victim, the Respondent, and any witnesses or other third parties whose testimony the Panel deems relevant. The parties will not be allowed to personally question or cross-examine each other during the hearing, but will be allowed to question witnesses. The Chair will resolve all questions concerning procedure or the admission of evidence or testimony, including the relevancy and reliability of the evidence and testimony. All participants at the hearing are expected to provide truthful testimony. The Complainant and/or alleged victim have the option not to be

in the same room with the alleged Respondent during the hearing. Any party may choose not to testify or appear before the Panel; however, his/her exercise of that option will not preclude the Panel from making a determination regarding the complaint filed against the Respondent.

If any student is accused of a violation of any of these rules or is subject to a written charge, he or she is guaranteed a speedy and fair hearing. When a student is accused of violating a section of the Student Code of Conduct, a complaint is issued against the student, The Institution will determine if the complaint(s) has merit and conduct any necessary preliminary investigation. The Institution will then conduct a formal proceeding (a series of activities involving a formal or set procedure for the review of the case) and adjudicate the case. When the preliminary investigation is not conclusive, the institution will dismiss the case or schedule the

adjudication. The student has a right to appeal any decision of the Institutions proceedings to the Institution.

Decision of the Hearing Panel

Following the conclusion of the hearing, the Panel will confer and by majority vote determine whether the evidence (including the information provided in and by the Incident Report, the parties' written statements, if any, the evidence presented at the hearings, and the testimony of the parties and witnesses) establishes that it is more likely than not that the Respondent committed a violation of this Policy. In other words, the standard of proof will be the preponderance of the evidence. If the Panel determines that more likely than not the Respondent committed a violation of this Policy, the Panel will recommend sanctions and give consideration to whether a given sanction will (a) bring an end to the violation in question, (b) reasonably prevent a recurrence of a similar violation, and (c) remedy the effects of the violation. The Panel will forward its recommendations regarding sanctions to the Corporate Director, Executive Board or his/her designee, who will make the final determination regarding all sanctions. Sanctions for a finding of responsibility will depend upon the nature and gravity of the misconduct, any record of prior discipline for a violation of this Policy, or both.

Sanctions may include, without limitation, expulsion or suspension from Beauty Schools of America, disciplinary probation, mandated counseling, and/or educational sanctions deemed appropriate by the Panel.

Ordinarily, sanctions will not be imposed until the resolution of any timely appeal under this Policy. However, if it is deemed necessary to protect the welfare of the victim or the Beauty Schools of America community, the Panel may recommend and the Institutional Designee may determine that any sanctions be imposed immediately and continue in effect until such time as the appeal process is exhausted.

At such time that the appeal process is exhausted, the Institutional Designee will determine the final accommodations to be provided to the victim, if any, and will communicate such decision to the victim and the Respondent to the extent that it affects him/her.

The Institutional Designee will also take steps to prevent any harassment of or retaliation against the Complainant, the victim (if not the Complainant), or third parties, such as informing them about how to report subsequent problems, following up with them to ensure that there are no subsequent problems, providing training for the campus community, and providing counseling for the Respondent. The Institutional Designee will also take steps to prevent the harassment of or retaliation against the Respondent.

Furthermore, the Institution will take prompt corrective action if the Complainant or the victim (if not the Complainant) experiences retaliation or is subjected to further violation of this Policy or if the original sanctions imposed on the Respondent are ineffective to protect the safety and well-being of the Complainant, the victim (if not the Complainant), or other members of the Beauty Schools of America community. Action will also be taken in reasonable steps to eliminate any hostile environment that has been created, such as conducting trainings and disseminating informational materials. In taking the above-outlined steps, the Institutional Designee will make every reasonable effort to minimize the burden on the Complainant and/or alleged victim.

Final Outcome Letter

Within ten (10) calendar days following the conclusion of the hearings, the Hearing Panel will issue a written decision letter (the "Final Outcome Letter") concurrently to the Respondent and the alleged victim. The Final Outcome Letter will set forth (1) the name of the Respondent, (2) the violation(s) of this Policy for which the

Respondent was found responsible, if any, (3) the recommended sanctions imposed on the Respondent, if any, and it may set forth names of other individuals, such as a victim or witness, provided that such other individuals provide their written consent to such inclusion.

In order to comply with FERPA, the letter will not include information considered part of a party's "education record" (as that term is defined by FERPA) that is not otherwise exempt from disclosure under the Act, or other information about sanctions that do not relate to the victim.

Compliance with these provisions does not constitute a violation of section 444 of the General Education Provisions Act (20 U.S. C. 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA)

Confidentiality and Disclosure

In order to comply with the Family Educational Rights and Privacy Act (FERPA) and Title IX and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public. Accordingly, documents prepared in anticipation of the hearings (including the complaint, the Investigative Report, the notices of hearing, and the pre-hearing submissions referenced above) and documents, testimony, or other information introduced at the hearings may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law.

Beauty Schools of America 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 such institution 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.

Time Periods

Beauty Schools of America will make every reasonable effort to ensure that the investigation and resolution of a complaint occurs in as timely and efficient a manner as possible. Beauty Schools of America's investigation and resolution of a complaint (including an appeal, if applicable) will generally be completed within 60 calendar days of the receipt of the complaint, absent extenuating circumstances. Hearings, if at all, will take place after the conclusion of the investigation. If hearings have taken place, both the Complainant and the Respondent generally will receive a Final Outcome Letter within ten (10) calendar days of the conclusion of the hearing.

Any party may request an extension of any deadline by providing the Institutional Designee with a written request for an extension that includes reference to the duration of the proposed extension and the basis for the request.

For purposes of calculating all time periods set forth in this complaint and Grievance Policy, a business day is defined to mean normal operating hours, Monday through Friday, excluding recognized national and state holidays and Beauty Schools of America closings.

Timelines may be modified in cases where information is not clear, judged to be incomplete, relevant parties are not available for interview, and/or other related circumstances as may arise.

The Institution may also modify any deadlines contained in this Policy as necessary and for good cause.

Acknowledgement of Responsibility

At any time prior to the issuance of the Investigative Report or the date of his/her designated hearing, the Respondent may elect to acknowledge his/her actions and take responsibility for the alleged policy violation. In such situation, the Institutional Designee will propose sanction(s). If either party objects to the proposed sanction(s), they may appeal the sanction pursuant to this Policy.

Appeals

When a student is dissatisfied with a decision of the Institutional Designee, a request for an appeal should be made in writing to the Campus President within forty-eight (48) hours (or longer if there are reasonable grounds for the delay) after the date of notification of the penalty.

The Campus President will then direct the appeal to the Institutional Designee. The Institutional Designee may grant the appeal if one or more of the following reasons are justified in the written request:

- a. New evidence or witnesses;
- b. Improper investigation and/or adjudication procedures;
- c. Sanctions too punitive for offense; and
- d. Bias.

The Institution may:

- a. Sustain the action;
- b. Add to the action;
- c. Return the case for further deliberation on new evidence not available at the time of its actions;
- d. Recommend a reduction of the penalty based on too punitive for offense;
- e. Exonerate student from charges and penalties.

Students requesting an appeal may continue to attend class and other activities until notified in writing. Neither The student nor the Institution may have legal counsel present at the hearing.

The "final results" of any proceeding are defined as: the name of the student, the findings of the proceeding board/official, any sanctions imposed by the institution, and the rationale for the findings and sanctions (if any). The presence of names of any other student, such as a victim or witnesses, may be included only with the consent of that student

No Retaliation

Retaliation against any person who files a complaint, participates in an investigation, or opposes a discriminatory employment or educational practice or policy is prohibited. A person who believes retaliation has occurred should notify the Campus President as soon as possible.

Office of Civil Rights Complaint

Although Complainants are encouraged to resolve their grievances related to discrimination by utilizing this Complaint/Grievance Procedure, they have the right to file a complaint directly with the U.S. Department of Education. You may call 1-800-421-3481 to obtain further information about filing a complaint with OCR.

Effective Date

Beauty Schools of America reserves the right to make changes and amendments to this Policy as needed, with appropriate notice to the community. However, the Policy in force at the time that a complaint is filed will be the Policy used throughout the investigation, hearing and any appeals that are heard.

Documentation

Beauty Schools of America will retain documentation (including but not limited to the written complaint, notifications, the Incident Report, any written findings of fact, petitions for appeal, hearing transcripts or recordings (if any), and any written communication between the parties), for at least three (3) years. Documentation pertaining to terminations, expulsions or educational sanctions may be retained indefinitely.

Reporting Requirement

In all cases when a complaint is made, both formal and informal, the incident must be reported to the Campus President of Beauty Schools of America.

Complaint with Florida Department of Education

After exhausting the institution's internal grievance/complaint process without satisfactory resolution, current, former, and prospective students may initiate a complaint with The Florida Department of Education. That process is described at the website <http://www.fldoe.org/policy/cie/file-a-complaint.stml>.

Statement of Accreditation

Beauty Schools of America Institution is accredited by the Commission for Occupational Education.

Beauty Schools of America Institution Sexual Harassment Policy

It is the policy of Beauty Schools of America that sexual harassment (as defined under 29 CFR Ch. XIV, subsection 1504.11, Section 703 of Title VII of the Civil Rights Act of 1964), is unconscionable and will not be tolerated. Persons who commit or knowingly permit acts of sexual harassment will be subject to disciplinary action up to and including immediate dismissal. No employee or student at the Institution may attempt in any way to retaliate against a person who makes a claim of sexual harassment.

Sexual Harassment Definition

Beauty Schools of America defines sexual harassment as an action taken or situation created intentionally to produce psychological or physical discomfort, embarrassment, or ridicule. Sexual harassment is also defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature when:

- Submission to or toleration of such conduct on or off campus is made a term or condition of instruction, employment, or participation in other Institution activities.
- Submission or rejection of such conduct by an individual is used as a basis for evaluation in making employment or academic decisions affecting the individual.
- Such conduct has the purpose or effect of unreasonably interfering with an individual's academic or employment performance or creating an intimidating, hostile, or offensive Institution environment.
- Stalking and Domestic/Dating Violence
- Stalking is a criminal act in which one person purposely and knowingly causes another person substantial emotional distress or reasonable fear of bodily injury or death by repeatedly harassing, threatening, or intimidating the victim. Stalking includes, but is not limited to the following behaviors:
 - Repeated following or pursuing;
 - Threatening or obscene gestures;
 - Non-consensual communication;
 - Trespassing;
 - Vandalism; and/or
- Non-consensual touching.
- Unwelcome sexual advances;
- Unwelcome requests for sexual favors;
- Conduct (verbal or physical) of a nature that is intimidating, demeaning, hostile, or offensive;
- Unwelcome and inappropriate touching, patting, or pinching and obscene gestures;
- Threats or insinuations that a person's employment, graduation or other conditions of employment or academic life may be adversely affected by not submitting to sexual advances.

Cyberstalking

Cyberstalking (also known as online harassment or electronic stalking) is offensive, threatening communication through the internet, via e-mail, chat rooms, instant messaging, etc. For the legal description, see State of Florida Penal Code 784.04

Domestic/Dating Violence

Domestic/Dating Violence is a pattern of behavior in which one partner uses fear and intimidation to establish power and control over a family/household member or intimate partner, often including the threat or use of violence. This form of violence may include, but is not limited to, actions that cause bodily injury through physical, emotional, psychological, economic, or sexual means; and may cause reasonable fear of harm on the part of the victim/survivor, or threaten children or pets. Such violence may be done knowingly or negligently on the part of the perpetrator. Violence in domestic and dating relationships tends to escalate in frequency and intensity over time. The longer it continues, the greater the risk of the victim being seriously injured or killed. Domestic/dating violence and abuse occur among all races, ages, classes, and religious groups. For legal descriptions, see the State of Florida Penal Code 741.28 and 784.046.

Stalking

Stalking is a criminal act in which one person purposely and knowingly causes another person substantial emotional distress or reasonable fear of bodily injury or death by repeatedly harassing, threatening, or intimidating the victim. Stalking includes, but is not limited to the following behaviors:

- Repeated following or pursuing;
- Threatening or obscene gestures;
- Non-consensual communication;
- Trespassing;
- Vandalism; and/or
- Non-consensual touching.

For legal descriptions, see the State of Florida Penal Code 784.048.

Sex Offender Registration

The State of Florida Code, 775.21 of the state's statutes, and the federal Campus Sex Crimes Prevention Act requires sex offenders who plan to enroll in Institution to register with the law enforcement agency having jurisdiction over the campus. The statute states that "All registered sex offenders who either work at or enroll in a public or private institution of higher education must provide notice to two different entities — Institutional Designee and the primary registration authority. The offender must notify those same entities when he or she terminates such work or enrollment." Local law enforcement will maintain the registration locally, provide notification to schools, if required, and submit all sex offender registration information to the Florida Department of Law Enforcement for inclusion in the FDLE Sex Offender Database. The State of Florida's Public Sex Offender Registry is available on-line at <https://offender.fdle.state.fl.us/offender/sops/registries.jsf>

Beauty Schools of America Policy and Programs to Promote Awareness and Prevention of Dating Violence, Domestic Violence, Sexual Assault, and Stalking

Dating violence, domestic violence, sexual assault and stalking are unconscionable and will not be tolerated at Beauty Schools of America. Crimes committed as defined by the Violence Against Women Act (VAWA), will be prosecuted to the fullest extent of the law. Prevention of these crimes is a priority for the Institution. Periodically during the academic year, Beauty Schools of America, in cooperation with other departments presents programs and training sessions to promote awareness of dating violence, domestic violence, sexual violence, and stalking. Information on prevention, personal safety, bystander intervention, the importance of preserving evidence, and reporting options are also presented during these programs and training sessions.

Beauty Schools of America presents information on these issues as well as personal safety and bystander intervention to incoming students and their parents. Beauty Schools of America also supports the effort to educate the campus community about violence against women, empower the campus community to end the oppression of women, and promote one vision of dignity which affirms that women are treated with respect and honored as valuable members of all cultures around the world.

Awareness and Prevention

- ❖ Awareness Programs - Awareness increases understanding of what sexual violence is and its prevalence. Topics include the definition of dating violence, domestic violence, sexual assault, and stalking. Awareness activities also can inform students and staff on which resources are available for support.
- ❖ Bystander Intervention - Bystanders are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it. They are someone who is present and thus potentially in position to discourage, prevent, or interrupt an incident.
- ❖ Primary Prevention Programs – The next step beyond raising awareness and reducing risk by engaging the campus, the campus communities, and targeted programs in creating long-term solutions and prevention strategies. These include orientation meetings with new students and staff, ongoing, regularly scheduled campus meetings with law enforcement professionals, peer to peer reinforcement education, campus, building, and environmental reviews and inspections, situational and intervention training,
- ❖ Ongoing Prevention and Awareness Campaigns – Strategies that encompass the communication and continuing education regarding sexual violence and sexual violence avoidance using campus and community meetings and sessions, one-to-one counseling, electronic media, print media, social media, web content, email.
- ❖ Risk Reduction – Use of data, methods and approaches that will assist individuals identify warning signs, educate individuals on safety tips and ways to identify and avoid potentially unsafe situation

Crime Prevention and Awareness Programs

Periodically during the academic year, the Beauty Schools of America will present crime prevention and awareness sessions on topics such as sexual assault; alcohol and drug abuse; theft, vandalism, and personal safety. Note: this information can also be found in the Beauty Schools of America Student Handbook.

Security Awareness Programs

During new student orientation students are told about crime on campus and in surrounding neighborhoods. Similar information is presented to new employees.

Crime Prevention Programs and Sexual Assault Prevention Programs are offered. A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

In addition to seminars, information is disseminated to students and employees through crime prevention awareness packets, security alert posters, displays, videos, articles and advertisements in Institution newspapers, and on the Beauty Schools of America website <http://www.bsa.edu>.

When time is of the essence, information is released to the Beauty Schools of America community through alerts posted prominently throughout campus, computer memos sent over Beauty Schools of America's email system, and on the Beauty Schools of America alert system.

Security Awareness Meetings

Crime prevention meetings are held on campus. Attendance to these meetings is voluntary. Prior notice will be provided through the campus buildings and administration buildings

CAMPUS SAFETY PLAN

Safety Tips on Campus

Beauty Schools of America makes every effort to provide a safe campus for students, employees, and their property. However, students and employees are responsible for all personal items brought on the campus. The Institution does not provide insurance coverage.

- Be careful when crossing streets, Use pedestrian crosswalks.
- If driving on campus, yield to pedestrians in the crosswalk.
- Always lock and secure your vehicle when you park.
- Do not leave valuables unattended.
- Lock and secure your desk and office when away, even if it is for a short period of time.
- Keep small valuables (e.g. wallets and purses) out of sight in a closed and locked desk or file cabinet.
- When away from your work area, let a coworker or close neighbor know about your departure and expected time of return.
- Lock your computer when away from your office.
- Pay attention to people who do not belong in the areas where you work.
- Engage such people by saying "Excuse me? You appear to be lost. May I help you?"
- Pay attention to what they are wearing and other personal characteristics in case a description needs to

be relayed to security.

- Report suspicious people or activity to security immediately. Give your name, department, phone extension, the location of the suspicious person and a description.
- Be discreet. Never advertise plans for being away to visitors you don't know or people calling your place of work.
- Report broken or flickering lights, dimly lit corridors, doors and windows that are broken or do not close or lock properly. Do not assume someone else will do it.

Active Shooter Procedures

If you witness the incident or suspect an active shooter incident, immediately Call 911 and notify Campus President or other Institution Administrator.

- Be prepared to give details: location, suspect description, how many people are involved, type of weapon (handgun, etc.)
- If possible, safely exit the building, or seek immediate shelter behind a locked door/barricade and warn others.
- Stay away from windows.
- Turn cell phones to silence and turn computers off.
- Direct students to remain in locked classrooms or offices. Remain in locked classroom or office until "all clear" is given by Institution officials or emergency personnel.
- Only as a last resort, if the suspect enters your room, talk to the attacker. Talk about the good part of your life, i.e. your family, your dog, etc.
- Remain calm at all times.

Fire/Alarm Procedures

To report an emergency: Call (911) and notify Campus President or other Institutional Administrator.

Annual Fire Safety

Fire Safety System

A description of each on-campus student housing facility fire safety system must be contained in this report. Definition of a Fire safety system: Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This may include sprinkler systems or other fire extinguishing systems, fire detection devices, stand-alone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

Fire Safety Awareness and Training

It is the responsibility of all members of the Institutions community to be familiar with safety policies and procedures. Exit routes for existing buildings are posted in the each classroom, office, public areas and bathrooms. Fire safety is discussed during new student orientation and in general meetings. The following items are prohibited from Beauty Schools of America buildings: open flames such as candles, incense, appliances with exposed heating elements, appliances that overload the electrical system, and fireworks. This is a tobacco-free campus.

Tampering with fire control equipment or alarm systems is strictly prohibited. Any person who disregards the right and property of others by tampering with fire control equipment or alarm systems (including causing a "false alarm") is not only in violation of Institutional policy but is also subject to both civil charges and fines. Tampering with systems includes any vandalism or removal of batteries from smoke alarm systems or misuse of fire extinguisher. In the event of a malfunction of the system, maintenance should be notified immediately.

Smoke detectors activate an alarm system automatically in case of a fire in a building. Manually operated alarms (pull stations) are also located in all campus buildings. Each time the fire alarm sounds, students should exit the building quietly in line and in an orderly fashion, to the nearest exit. Failure to exit the building in an orderly fashion may result in a turnaround fire drill. Tampering with fire safety equipment is an illegal offense and will subject the individual to prosecution under the law. Failure to evacuate a facility during an alarm will subject the student to disciplinary action.

If you hear a **fire alarm**:

- Turn off electrical equipment.
- Close doors to prevent spreading fire.
- Do NOT use elevators.
- Evacuate to an open area at least 100 yards upwind away from the affected building.

If you discover a **fire**:

- Activate the nearest fire alarm Call 911 and notify Campus President
- Notify others in the area Evacuate to an open area at least 100 yards away upwind from the affected building. Evacuation is the priority. If you have time, execute the following:
- Close all windows and doors, open drapery, and turn off all electrical equipment.
- Put on light coat or raincoat and walking shoes.
- Grab a towel - use wet towel over nose and mouth in case of smoke.
- Proceed single file and remain at least 100 feet from burning buildings.
- Do not run or return to building unless the "All Clear" signal is given by an Institutional Official or Fire Officials.

Prolonged ringing of the fire alarm will indicate a fire or a fire drill. The most probable danger comes from fires in the waste basket or from a curtain, for which the fire extinguisher should be used. Always locate the nearest fire extinguisher and know how to use it. (All Beauty Schools of America Buildings Are Smoke-free and Tobacco-free). *Remain in a safe location until "all clear" is given by Institution officials or emergency personnel.*

If you become aware that a fire took place, even if it was contained without emergency fire and rescue being called to the scene, report it to your Campus President or other Administrative Official.

Bomb Threats/Explosions

If you receive a bomb threat:

- Collect as much information as possible from caller.
- Call 911 and your Campus President or other Administrative Official
- When a threatening call is received, attempt to learn the following:
 - When is the bomb set to go off?
 - What is the explosive?
 - What does it look like?
 - Where in the building is it?
 - What does the person's voice sound like? (man, woman, child, accents, etc.)
 - Were there any identifiable sounds in the background?
 - What is the exact wording of the threat?

Immediately after receiving the threat, evacuate the area or the building, (take personal belongings that are within reach). Appropriate personnel will begin a search of buildings and grounds for suspicious items. If a bomb is found, the appropriate personnel will isolate the area:

DO NOT DO ANY OF THE FOLLOWING:

- Handle the device, use two-way radios, use cell phones, use pagers, or turn lights on/off.
- Keep all people a minimum of 300 yards away from the area where the bomb is located.
- Only emergency personnel should enter the area.
- Re-enter the building after the “all clear” is given by Institution officials or emergency personnel

Tornado/Severe Weather Warnings

Tornado WATCH:

Definition: Weather conditions that could result in the formation of tornadoes.

Tornado WARNING:

Definition: A tornado has been spotted in the area or has been indicated by radar.

Campus Security will monitor weather conditions. Campus administration will be notified upon the issuance of a tornado watch. People outside need to seek shelter immediately inside the nearest building. People on second floor of a building need to immediately move to the lowest level of the building.

Remain in a safe location until the “all clear” message is given from Institution officials or emergency personnel.

Hazardous Material Policy

Beauty Schools of America is committed to provide a safe environment for faculty, staff, students, outside contractors, and visitors of the Institution who work with or around hazardous materials and to those areas of the Campus which may be affected by presence of such materials. The management of hazardous materials through their acquisition, utilization, and storage stages is critical. This policy is written to provide the overall requirements for the management of hazardous materials in all classrooms, work spaces, facilities, and other property of Beauty Schools of America.

Hazardous Material is defined as a product, waste or combination of substances which because of its quantity, concentration, physical, chemical, toxic, radioactive, or infectious characteristics may reasonably pose a significant, actual, or potential hazard to human health, safety, welfare, or the environment when improperly treated, stored, transported, used, disposed of, or otherwise managed. Hazardous materials include - without limitation - synthetic organic chemicals, petroleum products, heavy metals, radioactive or infectious materials, and all substances defines as "toxic" or "hazardous."

All hazardous material must be stored in appropriate cabinets, flammable material storage cabinets etc. until use and returned for safekeeping after use. Containers of hazardous materials should not be left on bench tops when not in use.

It is important that anyone using hazardous material read the Material Safety Data Sheet (MSDS) associated with the hazardous material before its use. Anyone handling or using hazardous material shall use personal protective equipment as noted in the MSDS. No person at Beauty Schools of America may order, purchase, handle, or use hazardous material without the proper OSHA training.

In case of emergency, spill or other hazardous material conditions, call 911 immediately. Contact the Campus President, for further information and instruction.

Rules and Regulations

All rules of Beauty Schools of America shall apply on campus as well as off campus and for any student currently enrolled at Beauty Schools of America in the vicinity of the campus and/or representing the Institution in *any* capacity. Institution employees, are hired and are empowered to enforce these regulations and all applicable laws on campus and properties owned, rented, or leased by the Institution.

The following are general rules and regulations, which are designed to promote the educational, social, and cultural well-being of students attending the Institution. There may be times when disciplinary action is necessary in response to behavior not specifically addressed in the Student Handbook. In such cases, the response will be determined by Campus President or Institutional designee in keeping with the spirit of the Institution's policies and values. The nature of some actions and certain violations of Institution rules and regulations by a student may subject him or her to automatic suspension from the Institution. The Institution may impose automatic suspension and/or other sanctions to any student suspected of the following:

Prohibited Conduct

The following conduct is prohibited:

- a. Willfully cause physical injury to any other person, or threaten to do so. Fighting is strictly prohibited.
- b. Physically restrain or detain any other person;
- c. Willfully damage or destroy property of the Institution, or of any other person, or removal or use such property without authorization;
- d. Without permission, expressed or implied, enter into any private office of an administrative officer, member of the faculty or staff;
- e. Enter upon and remain in any building or facility for any purpose other than its authorized use or in such manner as to obstruct its authorized use by others;
- f. Without authorization enter or remain in any building or facility after it is normally closed;
- g. Refuse to leave any building or facility after being instructed to do so by an authorized administrative officer/staff;
- h. Obstruct the free movement of persons and vehicles in any place to which these rules apply;
- i. Deliberately disrupt or prevent the peaceful and orderly conduct of classes, lectures, assemblies and meetings or deliberately interfere with the freedom of any person to express his views, including invited speakers;
- j. Incite others to commit any of the acts herein prohibited; and
- k. Exhibit unbecoming behavior and inappropriate conduct towards faculty, staff, administrators or other students (including but not limited to use of abusive language, profanity, obscenity and other conduct prohibited in these Standards of Conduct);
- l. Failure to embrace and have respect for self, Institution, and community including repetitive violations of the casual dress code policy.
- m. The use, possession, and/or distribution of marijuana and other illegal drugs or prescription drugs;
- n. Possession and/or use of a weapon; and
- o. Sexual assault, sexual harassment, and/or sexual misconduct.

Gang Free Zones

The grounds and facilities of all Institution property shall be considered gang free zones. Students engaging in gang related activity and/or organized criminal activity at any Institution facility or grounds shall be subject to disciplinary penalties outlined in the Student Code of Conduct. Students involved in illegal acts may be arrested and face criminal prosecution.

Hazing Florida Statute 1006.63 Definition and Punishment

- (1) As used in this section, "hazing" means any action or situation that recklessly or intentionally endangers the mental or physical health or safety of a student for purposes including, but not limited to, initiation or admission into or affiliation with any organization operating under the sanction of a postsecondary institution. "Hazing" includes, but is not limited to, pressuring or coercing the student into violating state or federal law, any brutality of a physical nature, such as whipping, beating, branding, exposure to the elements, forced consumption of any food, liquor, drug, or other substance, or other forced physical activity that could adversely affect the physical health or safety of the student, and also includes any activity that would subject the student to extreme mental stress, such as sleep deprivation, forced exclusion from social contact, forced conduct that could result in extreme embarrassment, or other forced activity that could adversely affect the mental health or dignity of the student. Hazing does not include customary athletic events or other similar contests or competitions or any activity or conduct that furthers a legal and legitimate objective.*
- (2) A person commits hazing, a third degree felony, punishable as provided in s. 775.082 or s.775.083, when he or she intentionally or recklessly commits any act of hazing as defined in subsection (1) upon another person who is a member of or an applicant to any type of student organization and the hazing results in serious bodily injury or death of such other person.*
- (3) A person commits hazing, a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, when he or she intentionally or recklessly commits any act of hazing as defined in subsection (1) upon another person who is a member of or an applicant to any type of student organization and the hazing creates a substantial risk of physical injury or death to such other person.*
- (4) As a condition of any sentence imposed pursuant to subsection (2) or subsection (3), the court shall order the defendant to attend and complete a 4-hour hazing education course and may also impose a condition of drug or alcohol probation.*
- (5) It is not a defense to a charge of hazing that:*
- (a) The consent of the victim had been obtained;*
 - (b) The conduct or activity that resulted in the death or injury of a person was not part of an official organizational event or was not otherwise sanctioned or approved by the organization; or*
 - (c) The conduct or activity that resulted in death or injury of the person was not done as a condition of membership to an organization.*
- (6) This section shall not be construed to preclude prosecution for a more general offense resulting from the same criminal transaction or episode.*
- (7) Public and nonpublic postsecondary educational institutions whose students receive state student financial assistance must adopt a written anti-hazing policy and under such policy must adopt rules prohibiting students or other persons associated with any student organization from engaging in hazing.*

(8) Public and nonpublic postsecondary educational institutions must provide a program for the enforcement of such rules and must adopt appropriate penalties for violations of such rules, to be administered by the person at the institution responsible for the sanctioning of such organizations.

(a) Such penalties at Florida College System institutions and state universities may include the imposition of fines; the withholding of diplomas or transcripts pending compliance with the rules or pending payment of fines; and the imposition of probation, suspension, or dismissal.

(b) In the case of an organization at a Florida College System institution or state university that authorizes hazing in blatant disregard of such rules, penalties may also include rescission of permission for that organization to operate on campus property or to otherwise operate under the sanction of the institution.

(c) All penalties imposed under the authority of this subsection shall be in addition to any penalty imposed for violation of any of the criminal laws of this state or for violation of any other rule of the institution to which the violator may be subject.

(9) Rules adopted pursuant hereto shall apply to acts conducted on or off campus whenever such acts are deemed to constitute hazing.

(10) Upon approval of the anti-hazing policy of a Florida College System institution or state university and of the rules and penalties adopted pursuant thereto, the institution shall provide a copy of such policy, rules, and penalties to each student enrolled in that institution and shall require the inclusion of such policy, rules, and penalties in the bylaws of every organization operating under the sanction of the institution.

Discrimination Policy Statement on the basis of Sex, Handicap, Race, Color or National Origin

Beauty Schools of America emphasizes its commitment to provide a professional working and learning environment that supports, nurtures and rewards educational and employment growth free of discriminatory, inappropriate and disrespectful conduct or communication. Discrimination of any kind threatens this type of learning environment in that it compromises institutional integrity and traditional academic values. Discrimination inhibits the individual's performance as a student or employee and violates acceptable standards for accessibility, equal opportunity and interrelationships.

Students, staff, faculty and administrators should know that the Institution is concerned about discrimination. The institution is prepared to take preventive and corrective action to deal with an individual or individuals who engage in such actions or conduct.

Beauty Schools of America, for the purpose of this policy, defines discrimination according to the categories listed below:

Student Disability Discrimination

Beauty Schools of America defines student disability as a handicapped person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such impairment.

Age Discrimination

Beauty Schools of America defines age discrimination as the denying or limiting individuals in their opportunity to participate in any program or activity because of their age.

Race/Color Discrimination

Beauty Schools of America defines race discrimination as treating someone (an applicant, student, or employee) unfavorably because he/she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, or certain facial features). Color discrimination involves treating someone unfavorably because of skin color complexion. Race/color discrimination also can involve treating someone unfavorably because the person is married to (or associated with) a person of a certain race or color or because of a person's connection with a race-based organization or group, or an organization or group that is generally associated with people of a certain color. Discrimination can occur when the victim and the person who inflicted the discrimination are the same race or color.

Handicap/Disability Discrimination

Beauty Schools of America defines Handicap/Disability discrimination as the action when an employer or other entity covered by the Americans with Disabilities Act, as amended, or the Rehabilitation Act, as amended, treats a qualified individual with a disability who is an employee or applicant unfavorably because she has a disability

Disability discrimination also occurs when a covered employee, student, or an applicant is treated less favorably because she has a history of a disability (such as cancer that is controlled or in remission) or because she is believed to have a physical or mental impairment that is not transitory (lasting or expected to last six months or less) and minor (even if she does not have such an impairment).

Sex Discrimination

Beauty Schools of America defines sex discrimination as treating someone (an applicant, student, or employee) unfavorably because of that person's sex. Sex discrimination also can involve treating someone less favorably because of his or her connection with an organization or group that is generally associated with people of a certain sex.

Gender Identification Discrimination

Discrimination against an individual because of gender identity, including transgender status, or because of sexual orientation, is a form of Sex Discrimination and in direct violation of Title VII.

National Origin Discrimination

National origin discrimination involves treating people (applicants, students, or employees) unfavorably because they are from a particular country or part of the world, because of ethnicity or accent, or because they appear to be of a certain ethnic background (even if they are not). National origin discrimination also can involve treating people unfavorably because they are married to (or associated with) a person of a certain national origin or because of their connection with an ethnic organization or group. Discrimination can occur when the victim and the person who inflicted the discrimination are the same national origin.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act requires that each institution of higher education in the United States which participates in federal student aid programs produce and distribute an annual report containing crime statistics and statement of security policy. This publication is designed to reveal to the public specific information on Campus Security, crime statistics for the most recent three-year period, alcohol and drug use, crime prevention, security operations, policies relating to reporting crime and campus disciplinary procedures, fire related statistics, and the missing student policy. A copy of this report can be seen posted at each campus location. It will also be posted on our website: www.bsa.edu. If you would like to receive a paper copy of the combined Annual Security and Fire Safety Report which contains this information, you can stop by the Beauty Schools of America Campus President Office for a copy.

Crimes that are reported in the Clery Disclosure Act are:

- Murder and non-negligent manslaughter
- Negligent manslaughter
- Rape and Forcible sex offenses
- Non-forcible sex offenses
- Robbery
- Aggravated assault

- Burglary
- Motor vehicle theft
- Arson
- Hate Crimes
- All liquor, drug, or weapons law violations resulting in an arrest.
- Violence Against Women Act Violations (VAWA)

By October 1st of each year, notification of the new annual disclosure report is provided to current students and employees by electronic mail with hyperlinks to the report on the Institution web page. A paper copy of the report is available from the Business Office. The crime statistics are also submitted to the U.S. Department of Education every year as required by the U.S. Department of Education.

Beauty Schools of America's compliance with the Clery Act and all related provisions does not constitute a violation of Section 444 of the General Education Provisions Act (20 U.S.C 1232g), commonly known as the Family Educational Rights and Privacy Act of 1974 (FERPA).

Report Preparation and Notification

The Corporate Compliance office prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our web site at www.bsa.edu.

This report is prepared in cooperation with the local law enforcement agencies, Corporate Directors and Campus Presidents. Each entity provides updated information on their educational efforts and programs to comply with the Act. Campus crime, arrest and referral statistics include those reported to designated campus officials (including but not limited to directors, department heads and local law enforcement agencies.)

Each year, no later than October 1st a notification is made to all enrolled students, faculty and staff containing this report as well as the website address to access this report. Copies of the report may also be obtained at the Campus Presidents Office.

Geographical Location Definitions

A. On Campus Definition:

(1) Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, and (2) Any building or property that is within or reasonably contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.

B. Public Property Definition:

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

Crime Definitions from the Uniform Crime Reporting Handbook

- *Arson*: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- *Criminal Homicide-Manslaughter by Negligence*: The killing of another person through gross negligence.
- *Criminal Homicide-Murder and Non-negligent Manslaughter*: The willful (non-negligent) killing of one human being by another.
- *Robbery*: The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- *Aggravated-Assault*: Aggravated assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)
- *Burglary*: Burglary is the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- *Motor Vehicle Theft*: The theft or attempted theft of a motor vehicle. (Classified as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned including joyriding.)
- *Weapon Law Violations*: The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.
- *Drug Abuse Violations*: Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs are considered drug abuse violations. The relevant substances include: opium or cocaine and their derivatives (morphine, heroin, codeine); marijuana; synthetic narcotics (Demerol, methadone); and dangerous non-narcotic drugs (barbiturates, Benzedrine).
- *Liquor Law Violations*: The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places;

bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkness and driving under the influence are not included in this definition.)

Sex Offenses Definitions

Sex Offenses Definitions from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program

- *Rape - Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.*
- *Rape (FBI revised definition): Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. (This includes the offenses of Rape, Sodomy, and Sexual Assault with an Object as converted from data submitted via the National Incident-Based Reporting System [NIBRS]).*
- *Rape – Completed - Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator. Sexual penetration means the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person. This definition also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol) or because of age. Physical resistance is not required on the part of the victim to demonstrate lack of consent.*
- *Rape - Attempts to Commit Rape - Assaults or attempts to rape are classified as Attempts to Commit Rape.*

Sex Offenses - Forcible: Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

A. *Forcible Rape* - The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).

B. *Forcible Sodomy* - Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

C. *Sexual Assault With An Object* - The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

D. *Forcible Fondling* - The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Sex Offenses - Non-forcible: Unlawful, non-forcible sexual intercourse.

A. *Incest* - Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

B. *Statutory Rape* - Non-forcible sexual intercourse with a person who is under the statutory age of consent.

Domestic Violence – Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family laws of the State of Texas, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Dating Violence – Means violence committed by a person:

- (a) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- (b) Where the existence of such a relationship will be determined by the reporting party's statement and based on a consideration of the following factors:
 - (i) The length of the relationship.
 - (ii) The type of relationship.
 - (iii) The frequency of interaction between the persons involved in the relationship.

Stalking – Means engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

- a) fear for his or her safety or the safety of others; or
- b) suffer substantial emotional distress.

In Texas, a person commits the crime of stalking when the person either:

- b. Engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to

- place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or
- c. Engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

Hate Crimes Definitions

Hate Crimes – includes all of the crimes listed above that manifest evidence that the victim was intentionally selected because the perpetrator’s bias against the victim based on one of the Categories of Prejudice listed below, plus the following crimes.

- a. Larceny/Theft – includes pocket picking, purse snatching, shop-lifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.
- b. Simple Assault– unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.
- c. 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.
- d. Destruction/Damage/Vandalism to Property (except Arson) – to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of i

Categories of Prejudice

- a. Race – A preformed negative attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind.
- b. Gender – A preformed negative opinion or attitude toward a group of persons because those persons are male or female.
- c. Religion – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.
- d. Sexual Orientation – A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.
- e. Ethnicity - A preformed negative opinion or attitude toward a group of persons of the same race who share common or similar traits, languages, customs, and traditions.
- f. National origin – A preformed negative opinion or attitude toward a group of persons of the same national origin who share common or similar traits, languages, customs, and traditions.
- g. Disability – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age, or illness.
- h. Gender Identity – A preformed negative opinion or attitude toward a group of persons because the perceived gender of those persons may be different from the gender traditionally associated with their gender at birth.

Definition of Proceeding

Proceeding means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings. *Proceeding* does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim.

Definition of Result

Result means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution. Notwithstanding section 444 of the General Education Provisions Act (20 U.S.C. 1232g), commonly referred to as the Family Educational Rights and Privacy Act (FERPA), the result must also include the rationale for the result and the sanctions.

“Unfounded” Crime Reporting

Beauty Schools of America, under very limited circumstances, may remove reports of crimes that have been “unfounded” by law enforcement officials. Under the final regulations in § 668.46(c)(2)(iii), Beauty Schools of America will only withhold, or subsequently remove, a reported crime from its crime statistics if, after a full investigation, a sworn or commissioned law enforcement officer makes a formal determination that the crime is false or baseless and therefore “unfounded.”

Under the final regulations in § 668.46(c)(2)(iii)(A), Beauty Schools of America must report to the Department and disclose in its annual security report statistics the total number of crimes that were “unfounded” and subsequently withheld from its crime statistics during each of the three most recent calendar years.

