



# **2020-2021 ANNUAL SECURITY REPORT**

**(Reporting Years: 2017-2018-2019)**



**Published: 12-09-2020**

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For the purpose of this Annual Security Report, Josef's School of Hair, Skin & Body will sometimes be referred to as "Josef's". This report encompasses reporting years of 2017, 2018 and 2019 for the Grand Forks and Fargo, ND campuses.

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) along with the Violence Against Women Reauthorization Act of 2013 (VAWA) and the Department of Education's regulations require that all institutions that receive Title IV, HEA funds must, by October 1 of each year, publish and distribute to its current students and employees through appropriate publications a comprehensive Annual Security Report (ASR) that contains, at a minimum, all of the statistical and policy elements enumerated in 34 C. F. R 668.46(b). **Due to COVID-19, the DOE extended the date of distribution to required recipients to December 31, 2020.** For more information on the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, visit <http://ope.ed.gov/security/>. Crime statistics are also posted on the Department of Education's College Navigator site: <http://nces.ed.gov/collegenavigator>.

A specially appointed staff member shall be responsible for the collection and mandatory reporting of the Annual Campus Security Report crime statistics to the Department of Education by October 1 of each year at <http://ope.ed.gov/security/>. This is a firm deadline; there are no grace periods.

Collection of Crime Statistics. Josef's does not have campus living facilities, campus security personnel or employ a campus police force. Josef's has no current agreements with state and local law enforcement agencies, such as written Memorandum of Understanding, for the investigation of alleged criminal incidents if the situation warrants. Josef's School of Hair, Skin & Body requests crime statistics for the calendar year from the Fargo and Grand Forks Police Departments for the campus address, the public area of the sidewalk, street and opposite sidewalk on the campus block for the following applicable crimes:

Murder	Sexual Offenses (forcible or non-forcible)
Robbery	Aggravated Assault
Burglary	Arson
Motor Vehicle Theft	Manslaughter

Crime statistics are also collected for:

- Arrests and/or disciplinary referrals for liquor law violations, drug violations and illegal weapons possession are also requested.
- Crimes reported in which the victim is intentionally selected because of the actual or perceived race, gender, religion, national origin, sexual orientation, gender identity, ethnicity, or disability of the victim that are reported as a "hate crime".
- Incidents reported to law enforcement of domestic violence, dating violence and stalking.

Annual Reporting and Distribution Procedure. The Annual Campus Security Report must be published and distributed to the campus community by October 1 of each year. The report shall include three years of Clery crime statistics. It shall be distributed to students and employees as follows:

- Current employees will be informed using various methods (email with an attachment, staff meetings, notification in their paychecks) of the latest Annual Campus Security Report and the website's Consumer Disclosures pdf link identified below.
- Current students will receive an announcement made in theory classes to the student body informing them of the latest Annual Campus Security Report publication. Copies will be posted in break rooms. Signed acknowledgement forms will be placed in the permanent files for the Annual Campus Security Reporting Procedures.
- Enrolled students and new employees receive copies of the latest Annual Campus Crime Report, and program information in their orientation packet. Signed acknowledgements are placed in academic/personnel files.
- Prospective students/employees are referred to our online school catalog referencing our website link for the Annual Campus Security Report & Campus Security Policy, the school's program information is listed at <http://www.josefsschoolofhairdesign.com/enrolling/financial-aid/annualecurityreport.pdf>
- The School Directors can provide physical copies upon request at any time.
- A signed statement of certification by the Vice President attesting the annual report was distributed as set forth is made a part of Josef's permanent Annual Campus Security Reporting records.

Disclosure of Policy Statements in Annual Report. The following policies must be published with the annual crime statistics.

- Crime Reporting & Campus Security
- Crime & Accident Prevention
- Alcohol & Drugs Free Standards Policy
- Bullying, Harassment & Discrimination Policy
- Sex Discrimination & Sexual Harassment Policy
- Complaints, Investigations & Disciplinary Action Policy
- Sex Offender Information
- Retaliation Policy

## **CRIME REPORTING**

All crimes are reported to the local police departments for investigation and action. Data presented in this report was collected by contacting the Fargo & Grand Forks police departments to obtain the data. We encourage all students and employees to report all crimes in a timely manner to the Vice President and/or Student Services Director who will promptly contact the local authorities to address the issue. Victims and witnesses are encouraged to report crimes but it is solely on a voluntary confidential basis.

## **EMERGENCY EVACUATION & SAFETY PROCEDURES**

Your safety as a student of Josef's School of Hair, Skin & Body, and the safety of our patrons we serve is a priority. The President or in his absence, the Campus Director will be responsible for confirming that there is a significant emergency or dangerous situation. In case of an emergency, please follow these basic rules of safety:

### **FIRE**

In the event of a fire, students and staff shall:

- Notify Josef's President or in his absence the Campus Director
- Call 911 (if deemed necessary by President). Remain calm.
- Exit the building; follow the posted evacuation plans for exit locations. (announcement over loud speaker)
- If appropriate (if the fire is small enough to contain) efforts should be made to extinguish the fire with the nearest fire extinguisher in the building.
- Fire extinguisher locations and building exits will be made available to you during the orientation day tour.

### **TORNADO**

In the event of a tornado, students and staff shall:

- Remain calm. Go into the school basement or the middle of the school away from windows.
- If available, get under something sturdy and heavy (table, chair or stairwell).
- Cover your head with your arms.

### **CLIENT BECOMES ILL**

In the event a client becomes ill, the student servicing the client shall:

- Remain calm. Notify an Instructor working on the client floor.
- Call 911 (if necessary) or family member to pick up the client.
- Stay with the client and keep him/her comfortable until help arrives.

A first aid kit for minor injuries (cuts, scrapes, irritations, etc.) is located in the commissary area on the clinic floor.

Should an emergency or dangerous situation occur the President or in his absence the Vice President or Campus Director will develop and implement a response plan in the impacted school(s). Emergency announcements during school hours will be prepared and made by the President or in his absence the Vice President or Campus Director over the impacted school(s) loud speaker system.

The President (or in his absence, the Campus Director) will take into account the safety of the students when determining the content of the notification, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to otherwise mitigate the emergency situation.

If a situation occurs before or after school hours, Josef's staff will attempt to notify students. Signs will be placed on school doors if classes are cancelled.

## **CAMPUS SECURITY**

Josef's does not have individual campus security. All employees and students are encouraged to be responsible for their own security and the security of others. Josef's School of Hair, Skin & Body does not have off-campus housing owned by the school nor any off-campus organizations. Josef's schools are accessible to students and the general public during the hours of 10-7/Monday, 9-4:30/Tuesday-Friday and 9-4:30/Saturdays (except Grand Forks). Outside these hours, only those with security permission can enter. Josef's does not have campus living facilities, campus security personnel or employ a campus police force. Josef's has no current agreements with state and local law enforcement agencies, such as written Memorandum of Understanding, for the investigation of alleged criminal incidents if the situation warrants."

## **CRIME & ACCIDENT PREVENTION**

Josef's does not assume liability for stolen property. Therefore, students and employees should always keep their personal belongings in their lockers. Items such as expensive jewelry, cash, or other valuables should be not brought to school to reduce chances of theft.

Josef's reserves the right to prosecute any student or employee to the full extent of local, state and federal law for any criminal violation committed on the school premises. Josef's takes into consideration the specifics of any student or employee who may be accused of a crime on a case-by-case basis, which may include suspension or termination from school or employment. Criminal

violations may include but may not be limited to

- Murder
- Rape
- Forcible sex offenses
- Non-forcible sex offenses
- Robbery
- Burglary – there must be evidence of both trespass and intent to commit a felony or theft
- Larceny – there is only the wrongful accusation of personal property
- Simple or aggravated assault
- Unlawful consumption or possession of alcohol or other controlled or illegal substances
- Hate crimes including larceny, theft, simple assault, intimidation, destruction or damage and vandalism, AND
- Domestic violence, dating violence and stalking

## **CRIME & ACCIDENT PREVENTION RECOMMENDATIONS**

1. Students and employees shall not be permitted to possess, use or sell alcoholic beverages while on school premises; state underage drinking laws will be enforced to the fullest extent of the law. (Also see Josef's Alcohol & Drug Abuse Policy).
2. Students and employees shall not be permitted to possess, use or sell illegal or controlled substances while on school premises; local, state and federal drug laws will be enforced (Also see Josef's Alcohol & Drug Abuse Policy).
3. Students and employees shall not be permitted to have any illegal or otherwise dangerous weapons in their possessions on school property. The school does not allow concealed weapons. Such a violation will result in the confiscation of the weapon, possible prosecution and possible termination from enrollment or employment.
4. Students and employees must keep their property securely locked in the designated areas to prevent theft.
5. Students and employees must park their vehicles in their designated areas and should be locked at all times.
6. Students and employees must never remain alone within the school after closing without administrative approval. If approval has been given, the outside door must remain locked at all times and the student/employee must not allow any unauthorized individual to enter.
7. Employees who have keys to enter/exit the building must ensure doors are locked after classes. Individuals should check to ensure others enter their vehicles safely.
8. Students and employees shall report hazardous conditions (i.e., faulty or broken equipment, water leaks, chemical spills, exposed electrical wires, etc.) to school administration for immediate attention.
9. The school administrative staff person shall handle all such hazards with appropriate caution and expedience. Proper procedures may require a call to an appropriate agency (i.e., poison control center, fire or police department, power company, etc.).
10. Students shall not attempt to repair damaged electrical equipment or exposed wires. Instead, such problems shall be reported to the administration.
11. Damaged or dangerous structural conditions shall be reported to school administration immediately.
12. Students and employees should handle all equipment correctly (i.e., within the manufacturer's specifications). The school will not be responsible for accidents caused by inappropriate or negligent use of any of its equipment.
13. Students and employees shall not be permitted to use unauthorized equipment. The school will not accept liability for accidents involving such unapproved equipment.
14. Students and employees with unusual, serious health conditions must report such conditions upon admission or employment. Arrangements must be made with his/her physician for appropriate preventative measures. All such conditions will be kept confidential among school management.

## **SEX OFFENDER INFORMATION**

The Federal Campus Sex Crimes Prevention Act requires Josef's to provide resources for sex offender awareness information. Such information can be found at <http://www.sexoffender.nd.gov/>.

## **DRUG & ALCOHOL-FREE STANDARDS POLICY & DRUG & ALCOHOL ABUSE PREVENTION PROGRAM**

### **Standard of Conduct**

In keeping with the local, state and federal laws, Josef's School of Hair, Skin & Body's students and employees shall not be permitted to possess, use or sell alcohol, illegal or controlled substances while on school premises (also see Josef's Crime Report & Campus Security Policy). Incoming students and employees are required to view a video entitled "Faces of Addiction" informing them of the cause and effect of alcohol and drug abuse. Staff and students are encouraged to report any violations of this policy by their peers immediately to the School Director. As long as the information is not necessary for legal or security purposes, Josef's School of Hair, Skin & Body will keep student and employee medical and personal information confidential, in accordance with the law. The seriousness of a "Drug Free Work Place" makes our employment and student training respectable in our profession and community.

### **Legal Sanctions**

The major categories of alcohol and illicit drugs can be found on the National Institute of Drug Abuse, National Institutes of Health's website at [www.nida.nih.gov](http://www.nida.nih.gov). The unlawful possession or distribution of illicit drugs and alcohol by Josef's students or employees is punishable under federal, state and local law through arrest, conviction, fines, required rehabilitation and/or imprisonment depending on the circumstances involved see <https://www.justice.gov/dea/druginfo>.

### Health Risks

The use and abuse of alcohol and other drugs can lead to physical and psychological health risks. These risks depend on the type of drug used and the intensity of the use. Long term use of drugs can lead to organic damage to the body and psychological problems. Even short-term use carries a risk of an overdose that can result in effects as serious as death. Drug and alcohol use also carries other direct and indirect health risks, including a heightened risk of blood-transmitted disease for users of intravenous drugs, the risk of pregnancy complications and birth defects in women who use drugs or alcohol while pregnant, and the impairment of the ability to operate motor vehicles. As such, all students and employees are encouraged to abstain from the use of illegal drugs and irresponsible use of alcohol.

### Program Referrals

Any student who suspects that he/she or someone else may be at risk is invited to seek services. Josef's currently recommends Al-Anon & Alcoholics Anonymous (701-281-0210), Cass County Social Services (701-241-5765), Center for Psychiatric Care (701-578-7887), or ShareHouse (701-478-8440) for crisis intervention, treatment and recovery support, counseling, or prevention information.

### Disciplinary Sanctions

Students and employees can expect disciplinary action (may include the completion of an appropriate rehabilitation program) up to and including school expulsion/termination and/or referral for prosecution in accordance with the local, state and federal laws regarding the possession and consumption of alcohol and controlled substances. Legal sanctions for failure to comply may include suspension, revocation or denial of a driver's license, property seizure, community service, imprisonment and/or monetary fines.

If a rehabilitation program is required for either the student or employee, such violator will be suspended until which time a written statement from the rehabilitation program is received, within 30 days of the violation, verifying their drug problem is under control. Failure to be reinstated within 30 days of the violator's refusal to cooperate may result in expulsion/termination.

Any student convicted of possessing or selling illegal drugs while receiving Title IV assistance will be ineligible for federal financial aid based on the chart below. If convicted of both possessing and selling illegal drugs and the periods of ineligibility are different, the longer penalty will apply.

	<u>Sale of illegal drugs (includes convictions for</u>	
	<u>Possession of Illegal Drugs</u>	<u>Conspiring to sell illegal drugs)</u>
1 <sup>st</sup> Offense	1 year from date of conviction	2 years from date of conviction
2 <sup>nd</sup> Offense	2 years from date of conviction	Indefinite period
3+Offenses	Indefinite period	Indefinite period

## **BULLYING, HARASSMENT & DISCRIMINATION POLICY**

Josef's School of Hair, Skin & Body (sometimes referred to as "Josef's in this policy) is committed to maintaining a working and learning environment that provides for fair and equitable treatment, including the freedom from bullying, harassment and discrimination of any kind. In certain cases, such conduct may also violate federal law. This policy includes anyone who engages in such behavior on school property or at school activities. Josef's reserves the right to determine whether particular conduct violates these policies.

Bullying, harassing and discrimination may take many forms. Harassment is verbal or physical conduct that demeans, stereotypes or shows hostility or aversion toward an individual or group because of a membership in a legally protected class which creates an offensive, intimidating or hostile school environment. In addition to this anti-harassment policy, Josef's has a policy specifically addressing sexual harassment (see below). Bullying is the continuous or repeated infliction of physical harm or psychological distress on one or more students or employees.

Any student, employee or other person may contact the school director if they believe they have been subjected to conduct in violation of this policy. Josef's will take action on reports and complaints either formally or informally. Allegations of criminal misconduct will be reported to the appropriate law enforcement agency. If bullying, harassment or discrimination has been determined on school property or at school activities, those involved will be disciplined up to and including termination.

Josef's shall respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as can be consistent with the school's legal obligations.

Retaliation is prohibited against any person who makes a complaint or is a witness under this policy. Anyone who knowingly report or corroborate false allegations will be subject to appropriate disciplinary action.

## **SEX DISCRIMINATION & SEXUAL HARASSMENT PROGRAM & POLICY**

This program and policy is supplemental to the above Bullying, Harassment and Discrimination Policy and includes additional safeguards and requirements pursuant to Title IX of the Education Amendments of 1972, the Clery Act, and the Violence Against Women Reauthorization Act of 2013.

**Sexual Violence Prevention and Awareness Program:** Josef's School of Hair, Skin & Body (sometimes referred to as "Josef's in this policy) is committed to providing a work and educational environment free of sexual harassment, including sexual violence, and to be in full compliance with Title IX of the Education Amendments Act of 1972 and other state and federal laws governing such conduct.

Josef's prohibits harassment or discrimination based on race, religion, creed, color, national origin, ancestry, sex (including pregnancy, childbirth or related medical conditions), military or veteran expression, genetic information or any other basis protected by the federal, state or local law. The following individual have been designated as the Title IX Coordinator by Josef's to handle inquiries regarding Title IX policies, including receiving and responding to information about any sexual discrimination incident. The Title IX Coordinator is trained to serve impartially including avoidance of prejudgment of the facts at issue, conflicts of interest and bias:

*Title IX Coordinator*  
Alisha Schaeffer  
Josef's School of Hair, Skin & Body  
3223 13 AVE S, Suite A, Fargo ND 58103  
701-235-0011  
[titleixcoordinator@jsohd.com](mailto:titleixcoordinator@jsohd.com)  
[alisha@jsohd.com](mailto:alisha@jsohd.com)

Josef's Title IX Coordinator educates the incoming and current student and employees about sexual violence, violence prevention, and all relevant policies and procedures during all orientations held for new and current students at the onset of a class and at least annually. Written acknowledgments can be found in the academic and personnel files. Training is delivered via online modules through the Duane Morris Institute entitled "Title IX for Career, Technical & Trade Schools", via PowerPoint presentations by the Title IX Coordinator and presentations from outside professional resources. Josef's also posts materials and resources on sexual violence issues.

Josef's Sexual Violence Awareness Program provides:

- Identification of domestic violence, dating violence, sexual assault and stalking as prohibited conduct as defined by the Department of Education as well as state law;
- Defines what defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking per ND law; and
- Defines what behavior and actions constitute consent to sexual activity in the State of ND;
- Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander, including but not limited to recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options and taking action to intervene.
- Provides information on risk reduction. Risk reduction means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

### **Scope of Sex Discrimination and Sexual Harassment Policy**

This policy applies to any incident that may adversely impact an employee's work and/or a student's or other person's participation in Josef's educational, extra-curricular activities or other programs. Josef's is committed to maintaining a working and learning environment that provides for fair and equitable treatment, including the freedom from bullying, sexual harassment and discrimination of any kind. Individuals found responsible for sex discrimination or sexual misconduct will be subject to disciplinary action deemed appropriate by Josef's; a complete list of possible sanctions is set forth below.

**General Definitions:** For the purpose of this policy, the following definitions apply:

**Complainant:** The person alleged to have been subjected to conduct that violates this policy.

**Respondent:** The person accused of engaging in conduct that violates this policy.

**Sex Discrimination:** The treatment of individuals or groups less favorably than another based upon their sex or gender. For Josef's students, it involves conducts or statements that deny the student(s) an equal opportunity to fully benefit from our programs and activities. For employees, it involves conduct or statements that deny the employee(s) an equal opportunity in employment.

**Sexual Harassment:** Is one form of sex discrimination. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors and other verbal and/or physical conduct of a sexual nature, when:

- Submission to the conduct or communication is either explicitly or implicitly made a term or condition of an individual's employment, work opportunity, education or other benefit;
- Submission to or rejection of the conduct or communication issued as a factor for employment decisions or other school related decisions affecting an individual; and/or
- Such conduct or communication has the purpose or effect of substantially interfering with an individual's work or school performance or creates an intimidating, hostile, or offensive work or school environment.
- Sexual harassment also includes sexual assault as defined below.

The determination of what constitutes sexual harassment will vary with the particular circumstances. Uncivil conduct or common profanity generally do not meet the definition of sexual harassment, except when sexual in nature and so severe or pervasive as to deny or limit the individual's ability to participate in or benefit from our school or to enjoy equal employment opportunity. A series of

incidents may constitute sexual harassment, even if one of the incidents on its own would not rise to the level of harassment. At the same time, a single or isolated action may constitute sexual harassment when that action is sufficiently severe.

- Verbal harassment or abuse of a sexual nature
- Subtle pressure for sexual activity
- Inappropriate or unwelcome touching, patting, or pinching of a sexual nature
- Intentional brushing against a student's or an employee's body
- Demanding sexual favors accompanied by implied or overt threats concerning an individual's employment or educational status.
- Demanding sexual favors accompanied by implied or overt promises of preferential treatment with regard to an individual's employment or educational status.
- Use of sexually or gender-degrading words or comments, verbal or written (ex. graffiti)
- Display in the school or at a school sponsored events of sexually suggestive pictures
- Leering of a sexual nature
- Spreading sexual rumors

**Sexual Violence:** A form of sexual harassment. A range of conduct falls into this category including without limitation sexual assault, non-forcible sex acts, dating and domestic violence, and stalking.

**Sexual Assault:** Any sexual act between two or more people to which one person does not or cannot consent. This includes sexual acts or contacts with others that can involve:

- 1) Compelling a person to submit to sexual acts or contacts by force, threat of force or intimidation;
- 2) Use of intoxicants to substantially impair the person's power to give consent;
- 3) Engaging in such acts when the person suffers from a mental state that renders him or her incapable of understanding the nature of the contact. This includes, but is not limited to, situations when an individual is intoxicated, "high", scared, physically or psychologically pressured or forced, passed out, unconscious, intimidated, coerced, mentally or physically impaired, beaten, isolated, or confined; or
- 4) A victim under fifteen (15) years of age (do note the age of consent may vary depending on the ages of the individuals involved in the act).

**Non-forcible Sex Acts:** Includes unlawful sexual acts where consent is not relevant, such as sexual contact with an individual under the statutory age of consent, as defined by state law or between persons who are related to each other within degrees wherein marriage is prohibited by law.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- 1) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length and type of relationship and the frequency of the interaction between the people involved.
- 2) For the purpose of this definition – dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence:** A felony or misdemeanor crime of violence committed –

- 1) By a current or former spouse or intimate partner of the victim;
- 2) By a person with whom the victim shares a child in common;
- 3) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner;
- 4) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
- 5) By any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred (NDCC 14-07.1-01).

**Stalking:**

- 1) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.
- 2) For the purpose of this definition –
  - a. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly or through third parties, by any action, method, device or means follows, monitors, observes, surveys, threatens or communicates to or about, a person or interferes with a person's property.
  - b. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
  - c. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

**Consent:** Consent is informed, freely given and mutually understood. If coercion, intimidation, threats, and/or physical force are used, there is no consent. If the complainant is mentally or physically incapacitated or impaired so that the complainant cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes conditions due to alcohol or drug consumption, or

being asleep or unconscious. Silence does not necessarily constitute consent, and past consent of sexual activities does not imply ongoing future consent. Whether the respondent has taken advantage of a position of influence over the complainant may be a factor in determining consent.

**Active Bystander Intervention:** Effective methods of prevention placing the responsibility on both men and women before, during and after sexual assaults. Every situation is different and there is no universal response when intervening to prevent sexual violence. Safety is key in deciding when and how to respond to sexual violence. Every person must decide for themselves the safest and most meaningful way to become an engaged bystander. Some ideas on how to maintain safety while being an engaged bystander are:

- If you witness sexual violence, get support from people around you. You do not have to act alone. If you do not feel safe, contact the police.
- When intervening, be respectful, direct and honest.
- Group setting and sexual gestures made to a person in the group. Person becomes upset. An engaged bystander could tell the group to stop harassing the person or ask the person if they want to leave and tell an appropriate authority (ex: Instructor).
- Group setting and a friend starts flirting with someone. The other person is not interested, but the friend will not leave them alone. An engaged bystander could approach the friend and start a conversation to distract them from the uninterested person.

**Reporting/Confidentiality:** If a sex offense occurs, all parties have the right to notify law enforcement authorities about an alleged sex offense. If such a serious offense occurs, it is important to preserve evidence. Any student, employee or any other person may contact the Title IX Coordinator if they believe they have been subjected to conduct in violation of this policy while on school property or at school activities. Josef's will take action on reports and complaints either formally or informally. Allegations of criminal misconduct will be reported to the appropriate law enforcement agency. Josef's shall respect the confidentiality of the complainant and the individual(s) against whom the complaint is filed as much as can be consistent with the school's legal obligations. However, it is important that all complainants recognize that Josef's cannot ensure confidentiality in all cases. The school must weigh the request against its obligation to protect the safety and security of the entire campus. Individuals desiring confidentiality should contact the Fargo or Grand Forks Rape and Abuse Crisis Center (available 24 hours).

**School Referrals:** Upon the victim's request, Josef's will assist in notifying law enforcement and professional services. Victims seeking education on rape, forcible and non-forcible sexual assault, sexual violence and stalking are referred to the Rape & Abuse Crisis Centers in Fargo and Grand Forks. Brochures and pamphlets are available on campus bulletin boards and Directors' offices.

Pastoral and professional counselors in instances when the student may need assistance in dealing with particular situations is also encouraged. Josef's currently recommends:

Rape & Abuse Crisis Center	701-293-7273 (Fargo)	701-746-0405 (Grand Forks)
Center for Psychiatric Care	701-478-7887 (Fargo)	701-795-3960 (Grand Forks)
Al-Anon & Alcoholics Anonymous	701-281-0210 (Fargo)	701-772-2952 (Grand Forks)
Cass County Social Services	701-241-5765 (Fargo)	
NE Human Services Center	701-795-3960 (Grand Forks)	

**Disciplinary Action:** If a sex offense happens where both the accused and the accuser attend Josef's, both the accuser and the accused:

- Are entitled to the same opportunities to have others present during a disciplinary proceeding and
- Will be informed by Josef's of the final determination of any disciplinary action with respect to the alleged sex offense and any sanction that is imposed against the accused and
- The dismissal that may occur following a final determination of the proceedings regarding rape, acquaintance rape, or other forcible or no-forcible sex offenses, dating and relationship violence and stalking.
- Josef's will work to change the student's academic situation if the change is requested by the victim and the change is reasonably available.

**Release of Information:** Upon written request, information will be released to any alleged victim of any crime of violence or non-forcible sex offense, including the results of any disciplinary proceedings conducted by Josef's against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of the crime or offense, the information shall be provided upon request to the next of kin of the alleged victim.

**Anti-Retaliation Policy:** Josef's School of Hair, Skin & Body will not retaliate against anyone filing a good-faith complaint or for participating in good faith in an investigation of alleged misconduct. The school will not tolerate retaliation by others against the complainant as well. An employee or student who retaliates will be subject to disciplinary action, up to and including termination from school or employment. Anyone who feels he/she has been subject to retaliation in violation of this policy shall report the matter immediately to the school director.



## **COMPLAINTS, INVESTIGATIONS & DISCIPLINARY ACTION**

Josef's School of Hair, Skin & Body (sometimes referred to as "Josef's" in this policy) is committed to maintaining a healthy working and learning environment. All complaints and concerns are taken seriously. This policy is intended to resolve any issues brought forth by students, employees or others professionally and appropriately.

### **Complaints Involving Sexual Violence**

If a student or employee believes they have been subjected to conduct in violation of Equal Opportunity Policies or Student Behavioral policies or law by anyone in connection with your enrollment (an employee, fellow student or guest), the student or employee is urged to notify Josef's Title IX Coordinator immediately. The first priorities are to get to a place of safety, preserve evidence and obtain any necessary medical treatment. See Josef's Sex Discrimination & Sexual Harassment Program & Policy --Reporting/Confidentiality and School Referrals for more directives.

### **Grievance Process (Regarding Complaints Involving Sexual Violence)**

- Complaints of a violation of this policy to Josef's will be processed either according to the following resolution process for a complaint involving sexual violence or the formal or informal resolution process for incidents that do not involve sexual violence. The Title IX Coordinator will make a determination of whether Josef's will move forward with which complaint resolution process
- All complaints are taken seriously. Complaints should be in writing, signed by the complainant, and provide a detailed description of the issue. A list of witnesses should also be included when describing an event. The complainant is encouraged to submit the written complaint to the Title IX Coordinator but may bring complaints to any Josef's staff with whom they feel most comfortable with as all of Josef's staff receives sexual harassment training.
- The Title IX Coordinator will meet with the complainant within 21 days of the receipt of the written complaint (or as reasonably prompt as can be) to discuss the allegations. Josef's will document the meeting in writing. The complainant will be provided with a copy of the written record at the time of the meeting.
- The Title IX Coordinator will advise the trained Title IX Investigator of the complaint who will objectively investigate all reports of sexual harassment.
- If more information is needed from the complainant, a written request will be made. The complainant is expected to cooperate fully with an investigation of inappropriate conduct or action.
- All parties will be given written notice of the allegations, an opportunity to select an advisor and an opportunity to submit and review evidence throughout the investigation. Cross-examination of the parties will be conducted by advisors, including legal counsel, but not the parties themselves. If a party does not have an advisor present, one will be provided at no cost.
- All parties will be provided at least ten days to inspect, review, and respond to all evidence directly related to the allegations prior to the completion of the investigative report.
- A presumption of innocence will be given to the respondent during the grievance process and utilize either a preponderance of the evidence or a clear and convincing evidence standard in making findings. Josef's will use the same standard for all formal complaints of sexual harassment.
- The Title IX complaint process may be conducted virtually and staff is trained on relevant technology to conduct remote investigations and hearings. Live hearings will be recorded, by transcript or audio visually, and will be made available to parties and maintained in school records for at least seven years.
- The burden of proof and the burden of gathering evidence will be on the institution, not the parties.
- The Investigator is a different person than the Final Decision Maker in a sexual violence complaint.
- A written determination with an analysis as to how the conclusion was reached will be forwarded to the Final Decision Maker and both parties. Both parties shall have the opportunity to provide a written statement containing comments or additional information they would like the Final Decision Maker to consider. The written statement must be submitted within ten calendar days after the investigation file was made available to them. A rebuttal statement by either party may be submitted within five calendar days after they had received the other party's initial written statement.
- Formal complaints of sexual violence will be dismissed if the complainant informs the Title IX Coordinator in writing that they desire to withdraw the complaint, if the respondent is no longer enrolled or employed by the institution or if specific circumstances prevent the institution from gathering evidence sufficient to reach a determination in a formal complaint. Further, if the conduct alleged would not constitute sexual harassment under Title IX if proved, did not occur as part of an education program or activity, Josef's must dismiss the formal complaint for the purposes of sexual harassment under Title IX, but the dismissal does not preclude Josef's from taking action under its code of conduct or policies.

### **Complaints Not Involving Sexual Violence**

The Title IX Coordinator will meet with the complainant within ten days of the receipt of a written complaint. Josef's will document the meeting in writing. The complainant will be provided with a copy of the written record at the time of the meeting. If after careful evaluation, the problem cannot be resolved through discussion, the complaint will be referred to Josef's Complaint Committee (President, School Director and any other appropriate administrative staff member) who will meet within 21 calendar days of the receipt of the complaint to discuss the allegations. If more information is needed from the complainant, a written request will be made. The complainant(s) are expected to cooperate fully with any investigation of inappropriate conduct or action. If no further information is needed, the Complaint Committee will act on the allegations and a letter will be sent to the complainant within 15 calendar days stating the steps taken to correct the problem, or information to show that the allegations were not warranted or based on fact.

### **Disciplinary Action by Josef's School of Hair, Skin & Body**

Skills can be taught, rules can be written, but a person's attitude and self discipline must be developed within themselves. This policy is intended to maintain a healthy working and learning environment, enabling students and employees to learn what their expectations are to enjoy a positive experience at Josef's.

Josef's School of Hair, Skin & Body reviews every incident of misconduct upon its own merits and unique facts and circumstances. Generally, factors considered could be the history of known prior misconduct; severity of the misconduct; the harm or risk posed by the misconduct; acceptance of responsibility for their actions, and the impact upon others.

Josef's School of Hair, Skin & Body retains full discretion to determine what discipline (up to and including termination) is warranted; misconduct relating to the Sexual Discrimination and Sexual Harassment Policy will also be factored into the disciplinary action.

Josef's School of Hair Design does not provide students with progressive discipline. Also, the levels of disciplinary action listed below are not exclusive, and the school may apply other types of discipline specific to the situation.

- Verbal Warning. Generally, for misconduct moderate in nature; where no prior misconduct is known. A verbal warning memorandum will be placed in the student's file.
- Written Warning. Generally, for prior misconduct or the misconduct is serious in nature. A written warning memorandum will be placed in the student's file.
- One to Multiple Days of Suspension. Generally, for repeated acts of prior misconduct or the misconduct is considered severe in nature.
- Termination. Generally, for repeated acts of prior misconduct or the misconduct is severe in nature. Certain types of misconduct are so severe, termination will be upon a first offense.

Any conduct that falls below our standards of conduct or breaches a policy is subject to disciplinary action. The following list of misconduct will likely result in disciplinary action of one form or another. This list does not limit Josef's from disciplining students and employees for conduct for other circumstances which may fall below our standards.

- Conduct towards students, employees or guests that demeans, harasses, or discriminates against that person on the basis of race, color, national origin, ethnic origin, religion, disability, gender, sex, sexual orientation, gender identity, or any protected class.
- Sexual, abusive, bullying, profane or other offensive statements or conduct towards a fellow student, employee or guest.
- Sexual assault (forcible & non-forcible) dating and relationship violence, stalking
- Refusal to follow reasonable directions from a staff member or other subordination
- Chronic or excessive tardiness or absences
- Theft or destruction of property belonging to Josef's, its employees, students or guests.
- Acts or threats of violence on Josef's property towards a fellow student, staff member or guest.
- Violation of Drug and Alcohol-Free Standards Policy
- Possession of alcohol, illegal drugs, firearms, weapons, explosives or other unlawful or dangerous materials or items on Josef's property.
- Cheating, copying or photographing testing materials
- Disrupting the learning environment
- Refusing a client
- Violating our attendance policy (not clocking in and out properly, asking another student to do it for you).
- Any other actions in violation of Josef's policies including any acts in violation of applicable, federal, state and local law or accreditation (NACCAS) standards.

### **Notice of Outcome**

The parties shall receive a simultaneous written notice of the outcome of the complaint, to include the determination of Josef's; where a violation is deemed to have occurred in the respondent's notice, any imposition of sanctions and in the complainant's notice, any imposition of sanctions that directly relates to the complainant, any other steps Josef's has taken to eliminate the conduct and prevent its recurrence; and, in the complainant's notice, remedies offered provided to the complainant. Every attempt will be made to complete the process and provide the notice of outcome within 25 business days of the completion of the investigation. In some cases, more time may be required.

### **External Grievance & Complaint Procedures**

If a complainant wishes to file a grievance against Josef's because they believe it has violated the rules and directives of the National Accrediting Commission for Career Arts & Sciences (NACCAS), a complaint form is available (contact information below). However, NACCAS requires evidence that all attempts to resolve the issue with the school have been exhausted to prior to filing a complaint. National Accrediting Commission for Career Arts & Sciences (NACCAS), 3015 Colvin Street, Alexandria, VA 22314. [www.naccas.org](http://www.naccas.org). 703-600-7600.

### **Anti-Retaliation Policy**

Josef's School of Hair, Skin & Body will not retaliate against anyone filing a good-faith complaint or for participating in good faith in an investigation of alleged misconduct. The school will not tolerate retaliation by others against the complainant as well. An employee or

student who retaliates will be subject to disciplinary action, up to and including termination from school or employment. Anyone who feels he/she has been subject to retaliation in violation of this policy shall report the matter immediately to the Title IX Coordinator.

### **Student Appeals**

If a student disagrees with a final decision or disciplinary action issued by Josef's School of Hair, Skin & Body, a student may seek a review by contacting the Title IX Coordinator, submitting a written statement indicating reasons why you disagree, and any other information you would like the school to consider. If the appeal is for a disciplinary action, the appeal must be filed within 14 calendar days from the date of the disciplinary action decision. An appeal may be made for one or more of the following grounds only: (1) an error occurred that if corrected, may change the outcome of the investigation; or (2) new information has come forth that was not available or known to the student at the time of the investigation which may change the outcome of the decision. Information that was known or available to the student during the investigation will not be considered. The Decision Maker will impartially review the appeal and send a written determination within 30 calendar days of receipt of the appeal. However, this timeframe may take longer in certain cases and the student will be informed of this.

### **STUDENTS RIGHT TO KNOW POLICY**

All criminal activity and accidents that occur on the school premises must be reported to school administration who must keep a confidential file on the circumstances surrounding each incident. The information must be made available to employees and students although personal information will remain confidential. Statistics regarding the incidence of rape, burglary, larceny, drug violations, motor vehicle theft, murder, rape, simple or aggravated assaults that occurred within the school will be available to students and employees upon request. Statistics concerning the number of arrests on school premises for murder, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, larceny, motor vehicle theft, liquor law violations, drug law violations, illegal weapon possessions, arson, negligent and non-negligent manslaughter, hate crimes & VAWA offenses (domestic violence, dating violence and stalking) during the past three calendar years.

### **NOTES:**

<b>CRIME STATISTICS</b>									
<b>GRAND FORKS</b> (2011 South Washington St)	ON-CAMPUS			PUBLIC PROPERTY			UNFOUNDED CRIMES		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
<b>CRIMES REPORTED</b>									
Aggravated Assault	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Burglary	1	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
<b>VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSES</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>ARRESTS AND DISCIPLINARY REFERRALS</b>									
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0
Drug Abuse Violations-Disciplinary Referral	0	0	0	0	0	0	0	0	0
Liquor Law Violations-Disciplinary Referral	0	0	0	0	0	0	0	0	0
Weapons Law Violations-Disciplinary Referral	0	0	0	0	0	0	0	0	0
<b>FARGO</b> (4501 15 AVE SW)									
	ON-CAMPUS			PUBLIC PROPERTY			UNFOUNDED CRIMES		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
<b>CRIMES REPORTED</b>									
Aggravated Assault	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Manslaughter by Negligence	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
<b>VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSES</b>									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0
<b>ARRESTS AND DISCIPLINARY REFERRALS</b>									
Drug Abuse Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0
Drug Abuse Violations-Disciplinary Referral	0	0	0	0	0	0	0	0	0
Liquor Law Violations-Disciplinary Referral	0	0	0	0	0	0	0	0	0
Weapons Law Violations-Disciplinary Referral	0	0	0	0	0	0	0	0	0
Hate Crimes: No reports in 2017, 2018, 2019									
Josef's does not have on-campus housing or non-campus property.									
Crime statistics were requested from the Fargo and Grand Forks Police Departments but were not in a usable format for Clery reporting.									