

## Campus Security Policy

October 1, 2020

### Required Disclosure

The report is prepared and issued annually by October 1 of each year to comply with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”), which requires that all Title IV institutions publish and distribute an annual security report.

This report is prepared for the TONI&GUY HAIRDRESSING ACADEMY located at 3400 Bristol St., Costa Mesa, CA 92626. Copies of this report may be obtained by request from the Academy Director.

### Crime Reporting

To help us provide a safe and comfortable learning environment, all students and employees are encouraged to report crimes, suspicious activities, and/or resulting injuries from criminal offenses or other security problems. Report any and all crimes to the Academy Director. In the event the Academy Director is not available, notify the Education Director. Additionally, you may notify the Costa Mesa Police Department (714) 754-5252.

***In the event of an emergency, immediately call 911.***

Non-Emergency Reporting Contacts:

Sarah Greco	Academy Director	(657) 662-3258
Costa Mesa Police Department		(714) 754-5252

### Confidential Reporting

TONI&GUY Hairdressing Academy does have a procedure for voluntary confidential reporting of crime statistics. Due to the sensitive nature of certain types of crimes, victims of sexual assault may choose to confidentially report these crimes to the Title IX Coordinator. Violations of the law which are thought to have occurred will be referred to law enforcement agencies.

### Timely Warning Reports Policy

In the event that the Academy Director determines that a situation constitutes an ongoing or continuing threat, a “timely warning” will be issued.

A timely warning is a short description of the crime or incident with any relevant details of the incident. This timely warning will also include prevention information and will be distributed to students and/or be posted on the Academy bulletin board. If a timely warning is issued, the names of any victims of the crime will be excluded in order to protect confidentiality to the extent permissible by law.

### Security of and Access to Campus Facilities

Students, faculty and staff have access to the TONI&GUY Hairdressing Academy. The general public may attend certain activities on campus with access limited to only the facilities in which the activities are held and within the time that those activities occur. Additionally, persons engaged in the maintenance

of the campus will have access to the campus. Please report any unauthorized person to the Academy Director. During non-business hours the Academy is closed and access to the building is by key.

The TONI&GUY Hairdressing Academy does not employ any security personnel and does not have a campus police officer.

### **Crime Prevention Programs and General Safety Information**

While TONI&GUY Hairdressing Academy does not have a crime prevention program, students and employees are encouraged to be aware of their responsibility for their own security and that of others. Please be aware of your surroundings and recognize when dangers may be present. The Academy does participate in National Safety Month (June), students and employees are encouraged to participate in weekly activities that include fire safety, personal safety, cyber safety, and health. The Academy informs students and employees of sexual assault awareness and prevention information. Observe the following for crime prevention:

- Do not leave personal property in classrooms or unattended
- Report suspicious individuals
- Use a buddy system at night or if something “does not feel right”
- If you are waiting for a ride, stay within sight of other people
- If you see someone being victimized, let someone know immediately and call 9-1-1 if it is an emergency

### **Drugs & Alcohol**

The Academy enforces drug and alcohol regulations as required in the Drug Free Schools and Communities Act of 1988, as amended in 1989. The unlawful possession, use or distribution of alcohol by employees on campus, or as a part of any Academy activity, is prohibited. Any student believed to be using alcohol or drugs may be referred to substance abuse programs outside the Academy. Illegal drugs and drug paraphernalia are prohibited. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Any employee or student engaging in such illegal behavior will be subject to disciplinary procedures, which could result in sanctions, including termination of employment, termination from school, and criminal prosecution.

### **Sex Offender Registry**

Information provided by state agencies concerning sex offenders can be found:

<http://www.city-data.com/so/so-Costa-Mesa-California.html>

### **Sexual Violence Prevention Program & Procedures**

TONI&GUY prohibits harassment on the basis of race, sex, gender, marital status, religion, national origin, ethnicity, color, age, military status, sexual orientation, or disability, and any other harassment prohibited by federal or state law. This also includes but is not limited to prohibitions against sexual assault, sexual harassment, dating and domestic violence, and stalking.

### **What is Consent?**

**Federal Definition:** The term “consent” means a freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no

consent. Lack of verbal or physical resistance does not constitute consent. Submission resulting from the use of force, threat of force, or placing another person in fear also does not constitute consent. A current or previous dating or social or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue does not constitute consent. A sleeping, unconscious, or incompetent person cannot consent. A person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious.

Local Jurisdiction Definition: An affirmative consent standard in the determination of whether consent was given by both parties to sexual activity. “Affirmative consent” means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

### **What is Sexual Assault?**

Federal Definition: Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault is an offense that meets the definition of rape, fondling, incest, or statutory rape. Rape is 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, without the consent of the victim. Fondling is the touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instance where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental incapacity. Incest is the sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Statutory rape is sexual intercourse with a person who is under the statutory age of consent.

Local Jurisdiction Definition: An assault is an unlawful attempt coupled with the present ability, to commit a violent injury on the person if another. (a) Any person who touches and intimate part of another person while that person is unlawfully restrained by the accused or an accomplice, and if the touching is against the will of the person touched and is for the purpose if sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. (b) Any person who touches an intimate part of another person who is institutionalized for medical treatment who is seriously disabled or medically incapacitated if the touching is against the will of the person, and if the touching is for the purpose of sexual arousal, sexual gratification, or sexual abuse, is guilty of sexual battery. (c) Any person who touches and intimate part of another person for the purpose of sexual arousal, sexual gratification, or sexual abuse, and the victim is at the time unconscious of the nature of the act because the perpetrator fraudulently represented the touching served a professional purpose, is guilty of sexual battery. (d) Any person who, for the purpose of sexual arousal, sexual gratification or sexual abuse causes another, against person's will while that person is unlawfully restrained either by the accused or an accomplice, or is institutionalized for medical treatment and is seriously disabled or medically incapacitated, to masturbate or touch an intimate part of either those persons or a third person, is guilty of sexual battery. (e) (1) Any person who touches an intimate part of another person, if touching is against the will of the person being touched, abs is for specific purposes of sexual arousal, sexual gratification or sexual

abuse, is guilty of misdemeanor sexual battery. (2) As used in the subdivision, "touches" means physical contact with another person, whether through the clothes of the person committing the offense, or through the clothing of the victim. As used in subdivision (a), (b), (c), and (d), "touches" means physical contact with skin of another person whether accomplished directly or through the clothing of the person committing their offense. (g) As used in this section, the following terms have the following meanings; (1) "intimate part" means the sexual organ, anus, groin, or buttocks of any person, and the breasts of a female. (2) "Sexual Battery" does not include crimes defined in Section 261 or 289. (3) "Seriously Disabled" means a person with severe physical or sensory disabilities. (4) "Medically incapacitated" means a person who is incapacitated as a result of prescribe sedatives, anesthesia or other medication. (5) "institutionalized" means a person who is located voluntarily or involuntarily in the hospital. (6) "Minor" means a person under 18 years of age.

### **What is Domestic Violence?**

Federal Definition: A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, the victim as a spouse or intimate partner; 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 by any other person against an adult or youth victim who is protected from the person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; 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 in which the crime of violence occurred. For the purposes of complying with the requirements of this regulation, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Local Jurisdiction Definition: (a) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. (b) "Domestic violence" means abuse committed against an adult or minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but aren't limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing income or expenses, (3) joint use or ownership of property, (5) the continuity of the relationship, and (6) the length of the relationship

### **What is Dating Violence?**

Federal Definition: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with the consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes 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 cover under the definition of domestic violence. For the purpose of complying with the requirements of section 668.41, any incident meeting this definition is consider a crime for the purposes of Clery Act reporting.

Local Jurisdiction Definition: In California Dating Violence is encompassed in the laws for Domestic Violence (a) "Abuse" means intentionally or recklessly causing or attempting to cause bodily injury, or placing another person in reasonable apprehension of imminent serious bodily injury to himself or herself, or another. (b) "Domestic violence" means abuse committed against an adult or minor who is a spouse, former spouse, cohabitant, former cohabitant, or person with whom the suspect has had a child or is having or has had a dating or engagement relationship. For purposes of this subdivision, "cohabitant" means two unrelated adult persons living together for a substantial period of time, resulting in some permanency of relationship. Factors that may determine whether persons are cohabiting include, but aren't limited to, (1) sexual relations between the parties while sharing the same living quarters, (2) sharing income or expenses, (3) joint use or ownership of property, (5) the continuity of the relationship, and (6) the length of the relationship

### **What is Stalking?**

Federal Definition: 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. For the purposes of this definition, 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. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily lead to professional treatment or counseling. For the purposes of complying with the requirements of this regulation, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Local Jurisdiction Definition: a) Any person who willfully, maliciously, and repeatedly follows or willfully and maliciously harasses another person and who makes credible threat with the intent to place that person in reasonable fear for his or her safety, or the safety of his or her immediate family is guilty of the crime of stalking. (b) Any person who violates subdivision (a) when there is a temporary restraining order, injunction, or any other court order in effect prohibiting the behavior described in (a) against the same party. (c) (1) every person who, after having been convicted of felony under Section 273.5, 273.6, or 422, commits a violation of subdivision. (2) Every person who, after having been convicted of a felony under subdivision (a). (d) In addition to the penalties provided in this section, the sentencing court may order a person convicted of a felony under this section to register as a sex offender pursuant to Section 290.006. (e) For the purpose of this section, "harasses" means engages in a knowing and willful course of conduct directed at a specific person that seriously alarms, annoys, torments or terrorizes the person and that serves no legitimate purpose. (f) For the purpose of this section "course of conduct" means two or more acts occurring over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct". (g) For the purpose of this section, "credible threat" means a verbal or written threat, including that performed through the use of an electronic communication device, or a threat implied by a pattern of conduct or a combination of verbal, written or electronically communicated statements and conduct, made with the intent to place the person that is the target of the threat in reasonable fear for his or her safety or the safety of his or hers family. And made with the apparent ability to carry out the threat. It is not necessary to prove that the defendant had the intent to carry out the threat. The present incarceration of a person making the threat shall not be a bar to prosecution under this section. Constitutionally

protected activity is not included within the meaning of "credible threat". (h) For the purpose of this section, "electronic communication device" includes, but not is limited to, telephones, cellular phones, computers, video recorders, fax machines, or pagers. "electronic communication" has the same meaning as the term defined in Subsection 12 of Section 2510 f Title 18 of the United States Code.

If you feel you have been the victim of a sexual assault, including domestic or dating violence or stalking, your first priority should be to get to a safe place. Then medical attention should be obtained. The assault should be reported to local police in a timely manner – time is critical for evidence collection and preservation. However, it is the victim's choice to report, or not report, the assault to law enforcement and/or the Academy Director or Title IX Coordinator. Your chances of successful prosecution depend heavily on the evidence collected, so it is essential that you preserve all evidence instead of disposing of it.

A forensic examination (i.e. rape kit) is a useful exam that can be completed at certain medical centers. This exam must collect the evidence within 72 hours of the assault. The victim can have the evidence stored, and decide later on whether or not to report an attack to authorities. The Academy can assist the victim in reporting to law enforcement if desired. The victim may also seek a judicial no-contact, restraining, or protective order through law enforcement. The Academy will work to comply with any such judicial order as appropriate. The victim may also request reasonable changes to their academic situation by informing the Title IX Coordinator.

In the event that a sexual assault is reported to have occurred, the accuser and the accused are entitled to the same opportunities to have persons present, including an advisor of their choice, during a disciplinary proceeding or related meeting, and both the accused and the accuser will be informed concurrently in writing of the outcome of any institutional disciplinary proceeding brought alleging a sex offense, any appeal procedures, any change to the results, and when the result is final. The Academy may place limitations on the advisor's participation as it deems necessary. Any disciplinary proceedings will provide prompt, fair and impartial investigation and resolution. In internal investigation on this subject matter is estimated to take up to 60 days.

The standard of evidence will be preponderance of the evidence. The disciplinary proceedings will be conducted by officials who receive training on these issues, as well as on conducting the process in a way that protects the victim's safety and promotes accountability. Sanctions may be imposed following a final determination in the event of an alleged sex offense, up to and including termination or suspension from the Academy, as well as a written warning. The Academy will respect the confidentiality of the victim and the accused as much as possible, consistent with the Academy's legal obligations.

In adherence to the Clery Act and Academy policy, the Academy will provide the following written information and rights to victims of sexual assault. These rights are in conjunction with all other applicable laws and regulations and include:

1. You have the right to request, and be notified of reasonable changes in your academic situation;
2. You have the right to referrals to counseling, and/or assistance in notifying law enforcement officials;
3. You have the right for the same opportunity as the accused to have others present at a disciplinary hearing or conference, as applicable;

4. You have the right to be notified of the outcome of a hearing, sanctions, and terms of sanctions in place; and
5. You have the right to be informed of the outcome of any disciplinary proceeding.

Educational information regarding prevention of sexual misconduct, including the Academy’s sexual assault awareness and bystander prevention program- training called Not Anymore - is available online to all students and employees. For more information please contact the Academy’s Financial Aid Coordinator.

**Counselors**

The Academy does not have any trained or professional counselors. Please see the Student Services for contact information for counselors. The following resources are provided merely for informational purposes only, and are NOT endorsed by TONI&GUY Hairdressing Academy:

**National**

RAINN’s National Sexual Assault Hotline:	1-800-656-HOPE
National Domestic Abuse Hotline:	1-800-799-7233
Coalition Against Drug Abuse Hotline:	1-800-943-0566

**Local**

CSP Sexual Assault Victims Service 24-hour hotline	714-957-2737
Living Success Center, Counseling	949-645-4723
Alcoholics Anonymous	714-556-4555

**Hospitals/ Clinics**

Saddleback Memorial Hospital and Medical Center 24451 Health Center Drive Laguna Hills, CA 92653	949-837-4500
UC Irvine Medical Center 101 The City Drive South Orange, CA 92868	714-456-7890
Alcohol & Drug Abuse Clinic 3115 Redhill Ave. Costa Mesa, CA 92626	714-850-8431

**Weapons**

Students, staff and visitors are not permitted to possess weapons of any type on the campus. Violations of this policy could result in immediate dismissal and contact of local law enforcement for possible criminal prosecution.

**Missing Student Notification**

Because the Academy does not provide on-campus housing, in accordance with Department of Education and HEOA Sec. 488(g) amended HEA Sec.485 (20 U.S.C. 1092): added HEA Sec.485(j), we do not have a Missing Person Notification policy.

**Emergency Response and Evacuation Procedures**

Emergency response and evacuation announcements will be made by the Academy Director or their designate. If time allows without compromising safety and without delay, all emergency and dangerous situations will be confirmed by the Academy Director. The procedure will be:

- A determination of the appropriate people to be notified will be made
- A determination of the content of the notification will be made
- A determination of the method(s) of notification will be made
- The notification will be initiated

All Emergency Response and Evacuation Procedures are tested during National Safety Month (June) annually. Students, faculty, and staff are all to participate in drills and evacuation procedures that include fire drills, active shooter drills, bomb threats, lockdowns, etc.

**Annual Crime Statistics**

The Clery Act requires that TONI&GUY Hairdressing Academy report the three most recent calendar years of crime statistics for crimes which occur on campus or on public property for the following types of offenses: criminal homicide (murder and non-negligent manslaughter), sex offenses (forcible and non-forcible sex offenses), robbery, aggravated assault, burglary, motor vehicle theft, arson, arrests for liquor law violations, drug law violations and illegal possession (including persons referred for campus disciplinary action), and hate crimes (crimes related to race, gender, religion, sexual orientation, ethnicity and/or disability of the victim).

**Statistics for Geographic Locations Under the Clery Act**

On Campus – 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 education purposes, including residence halls; and any building or property that is within or reasonably contiguous to this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

On Public Property – all public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus.

**Crime Statistics**

Criminal Offenses	Year of Occurrence		
	2017	2018	2019
<b>On Campus</b>			
Murder / non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Rape	0	0	0
Forcible Fondling	0	0	0
Non-forcible Sex Offense	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0

Arson	0	0	0
Simple assault	0	0	0
Larceny-theft	0	0	0
Intimidation	0	0	0
Destruction / damage / vandalism to property	0	0	0
Illegal weapons possession	0	0	0
Drug law violations	0	0	0
Liquor law violations	0	0	0
Criminal Mischief	0	0	0
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	0	0

Criminal Offenses	Year of Occurrence		
	2017	2018	2019
<b>On Public Property</b>			
Murder / non-negligent manslaughter	0	0	0
Negligent manslaughter	0	0	0
Rape	0	0	0
Forcible Fondling	0	0	0
Non-forcible Sex Offense	0	0	0
Robbery	0	0	0
Aggravated assault	0	0	0
Burglary	0	0	0
Motor vehicle theft	0	0	0
Arson	0	0	0
Simple assault	0	0	0
Larceny-theft	0	0	0
Intimidation	0	0	0
Destruction / damage / vandalism to property	0	0	0
Illegal weapons possession	0	0	0
Drug law violations	0	0	0
Liquor law violations	0	0	0
Criminal Mischief	0	0	0
Domestic violence	0	0	0
Dating violence	0	0	0
Stalking	0	0	0

**CERTIFICATION**

I, \_\_\_\_\_ (print name), have read the Campus Security Policy, which includes the crime statistic report, and a TONI&GUY Representative has informed me of how to report an incident.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date