

# Aveda Institute New York

## 2017 Annual Security Report

*In compliance with the  
Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act and  
Violence Against Women Reauthorization Act of 2013*

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**Table of Contents**

Introduction ..... 3

The Aveda Institute New York Security Team..... 3

Authority and Cooperation with Local Law Enforcement ..... 3

Campus Security and Access..... 4

Reporting Crimes and Other Emergencies..... 4

Crime Alerts (Timely Warnings) ..... 6

Emergency Response, Notifications and Evacuation Procedures..... 7

Crime Statistics..... 12

Security Awareness, Crime Prevention and Education..... 14

Off-Campus Criminal Activity..... 14

Drug and Alcohol Policy ..... 15

Sex Discrimination and Sexual Misconduct Policies, Procedures, and Programs..... 16

Registered Sex Offender Notification ..... 44

## Introduction

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (“Clery Act”) and the Violence Against Women Reauthorization Act of 2013 (“VAWA”), Aveda Institute New York (“AINY” or the “Institute”): 1) monitors criminal activity occurring on campus, 2) publishes this Annual Security Report, and 3) maintains a three-year statistical history of crimes reported on campus.

AINY collects and reports crime statistics for its campus, which encompasses the first and second floor of 233 Spring Street, New York, New York 10013. In addition to the main building located at this address, the AINY campus includes the entrance into 20 Vandam St., NY, NY 10013.

In addition, AINY provides statistical information for crimes that occur on public property that is immediately accessible from campus when such statistics are known or can be obtained from local law enforcement. Public property within AINY’s Clery geography includes the following:

- Sidewalk street sidewalk adjacent to 233 Spring St.
- Sidewalk street sidewalk adjacent to the entrance of 20 Vandam St.

In this Annual Report, you will find an explanation of AINY’s policies and procedures for keeping its campus safe and secure, programs and education provided to students and employees regarding crime prevention and campus security, and crime report statistics. The Compliance Director prepares the annual security report. She works in conjunction with the Student Services Manager, Institute Director, and Security team.

## The Aveda Institute New York Security Team

AINY’s commitment to campus security and Clery Act compliance is a cooperative undertaking of the AINY Security Team. Each member has a role in assuring safety on campus and compliance with federal and state rules.

- Director, Global Security & Trademark Protection, The Estee Lauder Companies Inc.
- Manager, Global Security & Trademark Protection, The Estee Lauder Companies Inc.
- Institute Director, AINY
- Compliance Director, AINY
- Student Services Manager, AINY

In addition, AINY contracts with a private security company to provide an on-campus security guard. The security guard on duty is also a member of the AINY Security Team.

## Authority and Cooperation with Local Law Enforcement

Any member of the AINY Security Team has authority to ask persons for identification and to determine whether individuals have lawful business on campus. They likewise have the authority to order an individual to leave the premises. Members of the AINY Security Team do not possess arrest power. Criminal incidents are referred to the local police who have jurisdiction on campus. The AINY Security Team cooperates with local police to respond to criminal incidents and support police investigations. All crime victims and witnesses are strongly encouraged to immediately report crimes to the security guard on duty and the New York City Police Department. Prompt reporting will assure timely warning notices on campus and timely and accurate disclosure of crime statistics. AINY does not have a memorandum of agreement (MOA) with any law enforcement agencies for the investigation of alleged criminal offenses.

**Campus Security and Access**

The public entrance and student access to AINY is located at 233 Spring Street. Students can also exit and enter back in the building through the 20 VanDam Street entrance. They need to use their electronic key cards to enter the 20 VanDam St. entrance. Students do not need keycards to enter 233 Spring St. Both entrances and the Institute lobby are patrolled by AINY’s contracted security guard between five (5) and thirteen (13) hours per day, depending on hours of operation. The Institute does not have campus residences. The contracted security guard conducts rounds of the entire facility checking doors, emergency exits, and all student areas throughout the day. The security guard also checks to make sure sidewalks and pathways are unobstructed and well-lighted. In addition, the Manager of the Estee Lauder Global Security Team, as well as other Global Security Team staff, regularly visits the facility to conduct checks to ensure campus security, including the security of students. If additional security is needed for a special event, the Manager of the Global Security Team works with AINY’s contracted company to cover.

Business hours for salon and retail

**Service Hours:**

Monday 5:45-9:45pm  
 Tuesday -Thursday 9am-9:45pm  
 Wednesday 9am-9:45pm  
 Friday & Saturday 9am-5pm

**Retail Hours:**

Monday – Friday 9am-9pm  
 Saturday 9am-7pm  
 Sunday 10am-6pm

**Reporting Crimes and Other Emergencies**

AINY encourages anyone who is the victim or witness to any crime to promptly and accurately report the incident to the security guard on duty and the New York City Police Department, when the victim of the crime elects to, or is unable to, make such a report. The Institute does not have campus police. Contact the security guard on duty (non-emergencies) or call 911 (emergencies only). Any suspicious activity or person seen on campus or in nearby public areas should be reported to the security guard on duty, who may notify local law enforcement. In addition you may report an incident to the following Campus Security Authorities:

CAMPUS SECURITY AUTHORITIES

Security Guard On Duty	in person or via phone (212) 572-4499
Institute Director	212-367-0321
Director, Global Security and Trademark Protection, The Estee Lauder Companies Inc.	212-572-4074
Manager, Global Security and Trademark Protection, The Estee Lauder Companies Inc.	646-613-6188
Security Director, Aveda Corporation	763-951-6806
Institute Executive Director	612-378-7403
Compliance Director	612-378-7439
Title IX Coordinator	212-367-0325

Student Services Manager	212-367-0335
Cosmetology Team Lead	212-367-0336
Esthiology Team Lead	212-367-0343

Reports to the above-referenced Campus Security Authorities will be used for the purpose of making timely warning reports, emergency response and notification, and reporting crime statistics in accordance with the Clery Act. The above-designated Campus Security Authorities are responsible for documenting incidents using the Institute’s incident report protocol. Documented reports will be reflected in the Institute’s daily crime log.

The above-referenced Campus Security Authorities will assist the victim or witness in making a report to the local police department if the victim or witness desires to make such a report. Crime victims who do not want to pursue charges against the perpetrator are nonetheless encouraged to make a report to the institution. The Institute encourages individuals who have concerns to report all incidents to the Institute so that the Institute can investigate and resolve such reports. This enables the Institute to provide more resources and assistance to a complainant and to more effectively provide a safe environment.

**Confidentiality**

The Institute recognizes that some individuals may wish to keep their concerns confidential. However, because of the Institute’s obligation to investigate and respond to reports, the Institute cannot provide complete confidentiality. When a report is made to the Institute, every effort will be made by the Institute to ensure confidentiality to the extent possible, subject to the Institute’s need to investigate and respond to such complaints and to report campus crimes in accordance with applicable law. The Institute will protect a complainant’s confidentiality to the extent possible even if the complainant does not specifically request confidentiality. The Institute strives to honor any request that a complainant may make to keep any such report confidential or for the Institute not to investigate or respond to such report, but complying with any such request will limit the Institute’s ability to look into and respond to a report. In deciding whether the complainant’s request can be honored, the Institute will weigh the request against the seriousness of the alleged misconduct, the Institute’s obligation to maintain a safe and nondiscriminatory learning environment for its students, and the Institute’s commitment to addressing and preventing recurrence of misconduct. This determination will be made by the Title IX Coordinator.

While the Institute is obligated to provide the Institute community with general information regarding incidents of sexual assaults and certain other crimes occurring on campus, publicly available recordkeeping, including Clery Act reporting and disclosures such as the annual security report and daily crime log, will not include names or other information that may personally identify either the complainant or the respondent.

To ensure that a complainant’s personally identifying information will not be included in publically available recordkeeping, the Student Services Manager describes the alleged incidents by removing the complainant’s name and any other identifier that would enable the public to identify the complainant in the context of the incident report.

The Institute will also maintain as confidential any accommodations or protective measures provided to an individual, to the extent that maintaining such confidentiality will not impair the ability of the Institute to provide the accommodations or protective measures. The Institute will only disclose information necessary to provide the accommodations or protective measures in a timely manner. The Title IX Coordinator will determine what information about a victim should be disclosed and to whom this information will be disclosed. The Institute will inform victims before sharing personally identifying information that the Institute believes is necessary to provide an accommodation or protective measure. The Institute will tell the victim which information will be shared, with whom it will be shared, and why. The Institute does not have professional counselors or pastoral counselors on site. As a result, the Institute does not have procedures that encourage pastoral counselors and professional counselors if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

### ***Results of Disciplinary Proceeding Involving Crime of Violence or Non-Forcible Sex Offense***

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

### **Crime Alerts (Timely Warnings)**

A timely warning will be issued for any Clery crime committed on the Institute's Clery geography that is reported to a Campus Security Authority or local law enforcement agency and is considered to represent a serious or continuing threat to students and employees.

The Manager, Global Security and Trademark Protection ("Security Manager") drafts, decides to issue and through what method, and issues timely warnings. He works in conjunction with the Institute Director. The security guard on duty and Student Services Manager are responsible for forwarding him incident reports as soon as received from the Campus Security Authorities. The Compliance Director is responsible for providing him with reports from local law enforcement as soon as received.

Timely warnings are issued through written notification, the PA system, and/or the Emergency Alert Notification system. The warning will include all information that promotes safety and that aids in the prevention of similar crimes. It will also include information that triggered the crime if available. The warning will not include the names of the victim(s).

### ***Distinction between Emergency Notification and Timely Warnings***

Whereas the scope of emergency notification is typically a wide focus on a significant emergency or dangerous situation (may include Clery crimes), a timely warning is narrowly focused on only Clery crimes. Emergency notification procedures will be initiated for any significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus. Timely warnings are triggered by crimes that have already occurred but represent an ongoing threat. A timely warning will be issued for any Clery crime committed on the Institute's Clery geography that is reported to a Campus Security Authority or local law enforcement agency and is considered by the Institute to represent a serious or continuing threat to students and employees. Emergency notification may serve as a timely warning when the circumstances have not changed.

### ***The Family Educational Rights and Privacy Act (FERPA) and the Timely Warning Requirement***

The Institute may, in appropriate circumstances, include personally identifiable information in a timely warning. Although personally identifiable information is generally precluded from disclosure under FERPA, such information may be released in an emergency situation if knowledge of the information is necessary to protect the health or safety of the students or other individuals.

### **Emergency Response, Notifications and Evacuation Procedures**

AINY's emergency response and evacuation plan is detailed below. The Institute will notify the campus community upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.

#### **A. Response**

In the event of an emergency, the top priorities of AINY are to (1) protect life; (2) protect critical facilities; and (3) restore campus operations.

##### **1. Reporting Emergencies**

When anyone at AINY becomes aware of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees on campus, he or she must immediately notify the security guard on duty and 911 (if the situations warrants it). The security guard on duty will then relay that message to the Manager, Global Security and Trademark Protection, The Estee Lauder Companies Inc. ("Security Manager"). The backup for the Security Manager at AINY is the Director, Global Security and Trademark Protection, The Estee Lauder Companies Inc.

The Security Manager, working with the security guard on duty, and any other necessary parties, such as the Institute Director, the police, fire department, etc. will take the necessary action to keep the Institute safe.

This policy and procedure contains several specific scenarios. In each, evacuation or shelter-in-place may be necessary. Below are the steps to take in each of those scenarios.

##### **2. Evacuation**

The Security Manager, working in conjunction with the security guard on duty and any other necessary parties, will determine whether it is necessary to evacuate the building. If directed to evacuate the building, all individuals shall follow the emergency routes posted in the rooms throughout the building. Students and employees shall also direct all guests to follow them outside the building. At AINY, everyone shall proceed to SoHo Square Park. Students shall congregate in each of their respective phases to aid instructors in taking attendance.

Assuming that it is safe to do so, the security guard on duty shall sweep through the building to ensure that all building occupants have evacuated from the building. After doing so, he or she shall remain at a main point of entry to ensure that no unauthorized individuals attempt to enter the facility.

Employees and students shall not use the elevators to exit the building. Once outside the facility, all faculty and managers shall take roll call for their staff or students. If any students or employees are determined missing, the faculty or manager shall immediately notify emergency personnel of the missing person. No one shall reenter the building until determined safe to do so. The Security Manager working with the necessary parties will make that determination.

### **3. Shelter-in-Place Procedure**

Shelter-in-place orders may be issued in situations where dangerous intruders or other incidents may result in harm to persons if they leave the campus facility. In such a case, the Security Manager will issue a shelter-in-place order by making an announcement over the PA, sending a messenger to each classroom, or alternative method as deemed necessary by the situation. Faculty will then do the following:

- Lock classroom doors;
- Close windows and, if available, close window blinds, curtains, or shades;
- Direct all persons to move away from the windows and doors so that they cannot be seen from outside the room; and
- Direct all persons to get down on the floor.

### **4. Specific Scenarios**

The below section contains directions that students and employees must follow under specific emergency situations. If an emergency scenario occurs that is not listed below, the student or employee shall defer to the general reporting instructions listed above. The Security Manager, along with the security guard on duty, will then make a decision on what steps need to occur to keep the Institute community safe.

#### **a. Armed and Violent Intruders and Burglaries**

If a person is suspected of carrying a weapon into AINY, is acting in a violent manner, or is committing a burglary, the student or employee must notify 911 and the security guard on duty. If the suspect threatens a student or employee, he or she should not try to disarm the suspect or resist the intruder's instructions. Rather, he or she should back away from the situation. The Security Manager, working in conjunction with the security guard on duty and any other necessary parties, will determine whether a warning announcement should be made and/or if an evacuation or shelter-in-place is necessary depending on the facts of the case. After all is secure, the security guard on duty shall complete an incident report and Emergency Preparedness and Response Plan (EP&R Plan) Activation Report detailing the events and forward it to the Security Manager.

#### **b. Assaults/Fights**

Students and employees must report all assaults and fights to 911 (if necessary) and the security guard on duty. The security guard on duty will try to diffuse the situation, if possible. After the situation is under control, the security guard on duty shall partner with the school Director and ask victims/witnesses for their account of the incident and complete an incident report and forward it to the Security Manager.

#### **c. Bomb Threat**

The person who receives a bomb threat shall immediately call 911 and the security guard on duty. The security guard on duty shall then initiate evacuation procedures. No student or employee may re-enter the building until the entire building is declared safe. All employees who receive a bomb threat shall remain calm and obtain as much information from the caller as possible, including: (1) number of bombs; (2) type of bomb; (3) location of bombs; and (4) where they are set to explode. After all is secure, the security guard on duty shall complete an incident report and EP&R Plan Activation Report detailing the events and forward it to the Security Manager.



**d. Hazardous Materials (including chemical spills or leaks) and Biological Threats**

Hazardous material events should be treated with the utmost caution. The person experiencing the event shall immediately contact 911 (if necessary) and the security guard on duty and provide the following information: (1) your name; (2) location of the spill/hazardous materials; (3) injuries requiring medical attention (if any); and (4) nature of the spill/hazardous material – what it is, if known, and how much.

If the spill is non-hazardous, the Security Manager will advise members of the operation team to coordinate clean-up. If the spill is hazardous, the Security Manager will direct a professional company to coordinate clean-up.

If a parcel is opened and an unidentified substance is detected, students and employees shall do the following:

- Alert others to stay away from the area;
- Turn off any fans, air conditioners, or heaters;
- Close doors and windows to the area;
- Do not wash off or disperse the substance; and
- Do not touch, test, smell or assess the substance.

The Security Manager, working in conjunction with the security guard on duty and any other necessary parties, will determine whether a warning announcement should be made and/or if an evacuation or shelter-in-place is necessary depending on the facts of the case. After all is secure, the security guard on duty shall complete an incident report, EP&R Plan Activation Report, and Spill Investigation Report (if a chemical spill) detailing the events and forward it to the Security Manager.

**e. Medical Emergency, Injury, Death**

If a medical emergency, injury, or death occurs at the Institute, the person who encounters the situation shall immediately contact 911 (if necessary) and notify the security guard on duty. The security guard on duty will then respond to the scene with the first aid kit (if necessary), call the paramedics (if necessary), and ensure that safety is established and maintained. He or she will also direct someone to look out for and direct the emergency medical responders to the scene if any are called. After all is secure, the security guard on duty shall complete an incident report and EP&R Plan Activation Report detailing the events and forward it to the Security Manager.

If the incident involves an employee, the employee on duty must also complete an “Accident Investigation Report,” “Report of Work Ability,” and “First Report of Injury” and submit it to Human Resources within 24 hours of the injury. If the employee is unable to complete the form, then his or Manager must complete it.

In the event of a work-related death or three or more employees are hospitalized, the incident must be reported to the Occupational Health and Safety Administration at 1-800-321-OSHA within 24 hours of the incident.

**f. Weather**

The Emergency Alert Notification system (EAN) will be used to notify students and employees of closing or delayed openings that are the result of severe weather. The school Director will decide to close or

modify the operating hours of the Institute. The school Director will communicate her decision to the Security Manager, who will then send an EAN message.

Students and employees, who are at the Institute when severe weather develops, shall remain in the building and proceed to the severe weather shelter areas. The security team trains students and employees where the severe weather shelter areas are located during orientation. If students are with a client, they shall bring that client with them. The Security Manager and security guard on duty will watch out for severe weather watches and warnings and notify individuals at the Institute via PA system to proceed to the shelter area. The security guard on duty will also direct everyone when it is safe to leave the severe weather shelter areas.

**g. Fires**

AINY is equipped with smoke and heat detectors that are located throughout the Institute to protect occupants from potential fires. Anyone who witnesses a fire is directed to pull the fire alarm, call 911, and let the security guard on duty know of the fire and its location. The security guard on duty will then initiate an evacuation of the building. Aveda Corporation employees are not required to perform firefighting activities. However, employees trained in fire extinguisher duties may extinguish incipient state fires on their own. Fires larger than incipient state (larger than the size of an office garbage can) should not be fought. After all is secure, the security guard on duty shall complete an incident report and EP&R Plan Activation Report detailing the events and forward it to the Security Manager.

**h. Civil Unrest (Major or Minor)**

There are both major and minor disturbances to which a facility may be subjected, ranging from the acts of pranksters to mass armed aggression. Some of the more common causes of these are labor problems, racial tension, or public displeasure with company policy. The person who discovers the unrest shall call 911 (if necessary) and notify the security guard on duty. If necessary to call 911, the person shall let them know the following: (1) location of disturbance; (2) how many people are involved; and (3) if known, what the disturbance is about. The Security Manager, working in conjunction with the security guard on duty and any other necessary parties, will determine whether a warning announcement should be made and/or if an evacuation or shelter-in-place is necessary depending on the facts of the case. Assuming that it is safe to do so, all employees shall (1) lock up vital information; (2) secure work areas as if it was an extended holiday; and (3) draw the curtains/windows. Also assuming that it is safe to do so, the security guard on duty shall (1) lock and patrol all points of egress; (2) if necessary, try to control the crowd; (3) repair any damage promptly; and (4) secure all utilities and fire protection equipment. After all is secure, the security guard on duty shall complete an incident report and EP&R Plan Activation Report detailing the events and forward it to the Security Manager.

**i. Terrorist Attack**

Weapons of mass destruction likely to be employed by terrorists fall into two categories: nuclear and conventional.

- **Nuclear-** If a nuclear device is detonated the person who discovers the attack shall immediately call 911 and report the incident to the security guard on duty. The Security Manager, working with the security guard on duty, will then determine whether an evacuation of the campus or shelter-in-place is necessary. If the attack is far enough way, shelter-in-place may be the best option. The security guard on duty shall shut down all utility systems to the building.

- Conventional-** The danger from the blast effect of conventional explosive devices is similar to nuclear devices with a higher rate of survival. If responding to the threat of an imminent blast nearby, the person perceiving the attack shall immediately call 911 and report the incident to the security guard on duty. The Security Manager, working with the security guard on duty, will then determine whether an evacuation of the campus or shelter-in-place is necessary. If the source of the threat is outside, it is likely that the parties shall follow the shelter-in-place procedures. The security guard on duty shall then close all windows and doors to minimize flying glass. All individuals shall assume the duck, cover, and hold position on the ground. However, if the source of the threat is inside the building, then the security guard on duty shall evacuate the building using the evacuation procedures. In that case, no one shall re-enter until the entire building is declared safe by public safety, emergency management, or military authorities.

## **B. Notification**

The Security Manager is responsible for (1) confirming that there is a significant or dangerous situation involving an immediate threat to the health or safety of students or employees on campus; (2) determining the appropriate segment(s) of the community to receive the notification; (3) determining the content of the notification; and (4) initiating the notification system. He must work in conjunction with necessary parties depending on the situation, including for example, the school Director, the Global Command Center, Institute administration, faculty, the police, fire department, and/or emergency services.

The Security Manager will follow the guidelines listed below to complete the above steps.

- Gather Facts:** The Security Manager will gather facts from the necessary parties. He will then determine the threat level and impact to the Institute. If he determines that there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring at campus, he will move to the assessment phase.
- Assess the Situation:** The Security Manager will consult with emergency responders and any necessary parties at the Institute to assess the nature and severity of the incident and appropriate response.
- Communicate:** The Security Manager will without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency. The Security Manager will notify the campus community as quickly as possible with special consideration given to the timeliness and urgency of the situation, areas or group(s) affected, and potential for further harm to the community and its members. The notification system may be any combination of the following systems: PA system, fire alarms, postings in school or website, or through the AINY Emergency Alert Notification System\*. The Security Manager will select the method(s) that best reach the community depending on the situation and determine which segment(s) of the community should receive the message. If the situation affects everyone on campus, everyone will be notified. However, if the emergency situation affects only a segment, then only that segment will be notified. The Security Manager will continually assess the situation to determine if the correct parties were notified and if beneficial what order they should be notified. If necessary to notify the non-campus community, the Security Manager will work with the police to deliver the message to the media.

\*The Emergency Alert Notification System is a service that can call, send text messages, and email information rapidly when activated to alert community members. Because the Institute might need to contact an individual before he or she arrives on campus in an urgent emergency situation, it is important that all means of contacting an employee or student at home and/or work are current in the Institute's database. Students and employees are provided with an opportunity to sign up in the system at orientation. If they failed to do so and want to put their information in the system, or their information has changed, students should contact the Student Services Manager, and employees should contact Human Resources to update their information.

- **Getting Students Enrolled**—The admissions team collects Emergency Alert Network information from new students at orientation. The Student Services Manager then enters that information into an excel sheet at every new start to be inserted into the system and also with that new start takes off any students who are no longer at the Institute.
  - **Getting Employees Enrolled**- The Institute Director notifies new hires of how to sign up in the system during the onboarding process through the new hire packet.
4. *Ensure that necessary operations are taking place:* The Security Manager will also ensure that all applicable safety plans and measures are being implemented, if warranted.
  5. *Evaluate response:* After responding, the Security Manager will access the effectiveness of the response, and whether the response needs to be changed if necessary.

### **Testing the Emergency Response and Evaluation Procedures**

At least once a year, the Security Manager tests the Institute's emergency response and evacuation procedures. The test may be announced or unannounced and (1) is scheduled; (2) contain drills; (3) contains exercises; (4) contains follow-through activities; and (5) is designed for the assessment and evaluation of emergency plans and capabilities. After the test occurs, the Compliance Director publicizes the emergency response and evacuation procedures to all students and employees. The Security Manager documents for each test, a description of the exercise, the date, time, and whether it was announced or unannounced. The Compliance Director has also requested the local police's cooperation in informing the Institute about any situation that may warrant an emergency response.

### **Crime Statistics**

This report is prepared to comply with the Clery Act and VAWA. The purpose of the annual disclosure of crime statistics is to make known all reported crimes that occurred on campus or adjacent public property for the past three years. This report is prepared by the Compliance Director, who works in conjunction with the Student Services Manager. They coordinate the collection of data from Campus Security Authorities and local law enforcement. Campus crime, arrest and referral statistics include those reported to security guards and designated Campus Security Authorities. Statistics are derived from incident report documentation and the daily crime log. Reports to local law enforcement, such as the New York City Police Department, are included when information about those reports can be obtained. This year, the institute's crime statistics include statistics provided by the New York City Police Department for 233 Spring St. and 20 Vandam St. However, the NYPD was only able to provide statistics

for the 1<sup>st</sup> precinct, Section 1, rather than the institute's specific public Clery geography. This report therefore does not contain statistics from the NYPD for the institute's public Clery geography.

<b>Criminal Offenses</b>			
<b>Offense</b>	<b>Year</b>	<b>On-Campus Property</b>	<b>Public Property</b>
Murder/Non-negligent Manslaughter	2014	0	0
	2015	0	0
	2016	0	0
Negligent Manslaughter	2014	0	0
	2015	0	0
	2016	0	0
Rape	2014	0	0
	2015	0	0
	2016	0	0
Fondling	2014	0	0
	2015	0	0
	2016	0	0
Incest	2014	0	0
	2015	0	0
	2016	0	0
Statutory Rape	2014	0	0
	2015	0	0
	2016	0	0
Robbery	2014	0	0
	2015	0	0
	2016	0	0
Aggravated Assault	2014	0	0
	2015	0	0
	2016	0	0
Burglary	2014	0	0
	2015	0	0
	2016	0	0
Motor Vehicle Theft	2014	0	0
	2015	0	0
	2016	0	0
Arson	2014	0	0
	2015	0	0
	2016	0	0

<b>VAWA Offenses</b>			
<b>Offense</b>	<b>Year</b>	<b>On-Campus Property</b>	<b>Public Property</b>
Domestic Violence	2014	0	0
	2015	0	0
	2016	0	0
Dating Violence	2014	0	0
	2015	0	0
	2016	0	0
Stalking	2014	0	0
	2015	0	0
	2016	0	0

Arrests and Disciplinary Referrals			
Offense	Year	On-Campus Property	Public Property
Arrests: Weapons: Carrying, possessing, etc.	2014	0	0
	2015	0	0
	2016	0	0
Disciplinary Referrals: Weapons, Carrying, Possessing, Etc.	2014	0	0
	2015	0	0
	2016	0	0
Arrests: Drug Abuse Violations	2014	0	0
	2015	0	0
	2016	0	0
Disciplinary Referrals: Drug Abuse Violations	2014	0	0
	2015	2	0
	2016	1	0
Arrests: Liquor Law Violations	2014	0	0
	2015	0	0
	2016	0	0
Disciplinary Referrals: Liquor Law Violations	2014	0	0
	2015	0	0
	2016	0	0

## HATE CRIMES

No hate crimes occurred in 2014, 2015, and 2016.

## Security Awareness, Crime Prevention and Education

The Security Manager provides all new students at orientation and new employees during the on boarding process with a security PowerPoint Presentation. He also provides this presentation to all current employees once a year.

The PowerPoint presentation covers the following:

- Campus security procedures and practices, including ways to respond to specific types of emergency situations;
- Encouragement to be responsible for one's own safety and the safety of others;
- How to prevent crimes, specifically targeting the topics of safety and theft prevention; and
- Services provided by the security team.

The security team provides ongoing support to maintain campus security.

## Off-Campus Criminal Activity

AINY does not operate off-campus facilities, such as student housing or student organization facilities. Crimes that may occur off-campus (meaning outside the AINY Clery Geography) are not monitored by the AINY Security Team and are not included in AINY reported crime statistics. Crimes occurring off - campus should be reported to local police. The Institute also encourages individuals to report all incidents involving dating violence, domestic violence, sexual assault, and stalking to the Institute whether the offense occurred on or off campus.

## Drug and Alcohol Policy

AINY prohibits the use, consumption, possession, manufacture, sale, transportation, being under the influence of, or furnishing of alcoholic beverages on campus. These prohibitions apply regardless of age. AINY enforces the drinking laws of the state of New York, including the prohibition of use by persons younger than 21 years of age. Possession or consumption of alcohol on AINY premises may result in disciplinary proceedings and/or arrest.

AINY likewise prohibits the possession, distribution, sale or use of illegal drugs and/or controlled substances in accordance with state and federal laws. Violations of this prohibition may result in disciplinary proceedings and/or arrest. AINY enforces state and federal laws relating to drugs and controlled substances.

Additional information may be found in AINY's Drug-Free School and Work Place Policy and Standard Violations and Internal Grievance Procedure, published in the student catalog. The student catalog is located on the Institute's website. In addition, employees are subject to the Estee Lauder Companies Inc., Drug/Alcohol Free Workplace Policy, which is located on the Institute's intranet website. These policies contain all elements of the annual notification requirement under the Drug-Free Schools and Communities Act (DFSCA) and supporting regulations. The Compliance Director working in conjunction with the Institute Director, Student Services Manager, and Human Resource Director review and revise the above stated policies on a regular basis in response to changes in law and to ensure that the policies are reasonable, comprehensive, and enforceable.

Prior to September 30 of each year, the Compliance Director distributes the annual notification to all current employees. The Institute Director distributes the notice to any new employee with the new hire packet. The Admissions Teams provides the notice to new students at orientation, which occurs at the commencement of the program for which the student is enrolled. No student may begin course instruction without completing orientation. The Institute also distributes the notice each year prior to September 30 to students. It is therefore confident that every enrolled student receives notification of alcohol and other drug abuse prevention policies on an annual basis.

In each odd-numbered year, the Institute's Compliance Director forms a biennial review committee to conduct the biennial review of the Institute's Drug and Alcohol Abuse Prevention Plan (DAAPP). This committee consists of the Compliance Director, Director, Student Services Manager, and Academic Team Leads. The committee is chaired by the Compliance Director. The report covers the previous two academic years for the September 1-August 31<sup>st</sup> period.

The objective of the review is to do the following:

1. Determine the effectiveness of, and to implement any needed changes to, the DAAPP program; and
2. To ensure that the Institute consistently enforces disciplinary sanctions for violating the standards of conduct.

The Compliance Director conducts twice a year reviews of any DAAPP changes to be implemented pursuant to the biennial report to ensure that the implementation occurs in a timely manner. She also keeps records related to DFSCA compliance for a minimum of three years. Finally, she has oversight responsibility of the DAAPP, including but not limited to, updates, coordination of information in the DAAPP, annual notification, and biennial review.

## Sex Discrimination and Sexual Misconduct Policies, Procedures, and Programs

### **Sexual Violence Prevention and Awareness Program**

The Institute provides comprehensive, intentional, and integrated educational programming, initiatives, strategies, and campaigns to all students and employees that increase awareness about sexual violence issues and provides meaningful guidance for preventing and responding to incidents of sexual violence, including domestic violence, dating violence, sexual assault, and stalking. These sexual violence prevention and awareness programs are intended to end dating violence, domestic violence, sexual assault, and stalking and are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, informed by research, effectiveness, or outcome, and consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

The Institute's sexual violence awareness program does the following:

- Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct, as defined for purposes of the Clery Act;
- Defines what behaviour constitutes domestic violence, dating violence, sexual assault, and stalking in New York;
- Defines what behaviour and actions constitute consent to sexual activity in New York;
- 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 so that students and employees may recognize warning signs of abusive behaviour and how to minimize the risk of potential attacks with the purpose of decreasing perpetration and bystander inaction, increase empowerment for victims in order to promote safety, and help individuals and communities address conditions that facilitate violence; and
- Provides students with the Institute's Sex Discrimination and Sexual Misconduct policy, which contains the information contained in (b)(11) and (k)(2) of 34 CFR § 668.

Training is delivered via interactive online module through the *Speak Up! Understanding and Preventing Sexual Violence Video* ("the Speak Up! video") and must be completed on an annual basis.

Instructors in the first phase of students' programs provide them with a notice that they must watch the Speak Up! video. The notice contains instructions on how to watch the video and explains its importance. Students also receive the Institute's Sex Discrimination and Sexual Misconduct Policy prior to enrolling through the catalog and are required to sign a statement that they received it. The Institute Director provides all new employees with a notice that they must watch the video during the onboarding process. He also provides them with a copy of the Institute's catalog and requires that they read it. Prior to October 1 each year, the Compliance Director emails all employees with a link to the Speak Up! video with a request that they watch it.



Throughout the year, the Institute engages in on-going prevention and awareness campaigns that focus on increasing understanding of topics relevant to and skills for addressing sexual assault, dating violence, domestic violence, and stalking. These efforts include a range of strategies and include the same information as the Institute's primary awareness and prevention programs. The Institute sends email blasts on sexual misconduct issues and posts different materials and resources for students and employees on sexual violence issues. The Compliance Director also reviews the results of the Speak Up! video quiz to determine if the Institute needs to target improvement in any of the areas discussed in the video. She continues to research through resources such as notalone.org, other programming, initiatives, and strategies for addressing sexual violence issues. Finally, throughout the year, she assesses the Institute's current sexual violence program, to examine whether it is effective and to identify areas where it could be improved.

## **Sex Discrimination and Sexual Misconduct Policy**

### **Notice of Nondiscrimination**

Aveda Institute New York (AINY) does not discriminate on the basis of race, color, creed, national and ethnic origin, sex, age, religion, disability, sexual orientation, gender identity or other legally protected status in its employment policies, education programs and activities, or any other area of the Institute. Harassment based upon an individual's legally protected status is a form of prohibited discrimination.

In accordance with Title IX, this policy addresses the Institute's prohibition of all forms of sex discrimination. Sexual harassment is a form of sex discrimination. Sexual harassment includes a variety of unwelcome behavior of a sexual nature, and in its most severe form includes sexual violence. Examples of sexual violence include, but are not limited to: sexual assault, domestic violence, dating violence, and stalking. This policy discusses "sexual misconduct" when referring to sexual harassment in all forms, including sexual violence.

Questions or concerns about the application of Title IX, sex discrimination, sexual harassment or other forms of sexual misconduct may be directed to the Institute's Title IX Coordinator:

Pamela Trammell  
ptrammell@aveda.com  
(212) 367-0325  
233 Spring St.  
New York, NY 10013

The Institute is committed to a safe and healthy environment and as such will not tolerate sexual harassment or sexual violence in any form. Sexual assault is a crime and is a violation of an individual's rights and dignity. Sexual assault is not only an act of disrespect, violence, aggression or coercion against an individual, but also an attack on the Institute community. The Institute is committed to promptly, impartially, and equitably addressing and resolving all reports of discrimination, harassment, or sexual violence. The Institute will promptly respond to complaints of sexual misconduct to stop the conduct, ensure that such actions are not repeated, and address the effects of the misconduct on any individual or the Institute's learning community. Retaliation against an individual who brings a complaint or pursues legal action, or against an individual who serves as a witness in an investigation, is prohibited and will not be tolerated.

Questions or concerns may also be directed to the Office of Civil Rights of the United States Department

of Education:

U.S. Department of Education  
Office for Civil Rights  
32 Old Slip, 26th Floor  
New York, NY 10005-2500  
Telephone: 646-428-3900  
FAX: 646-428-3843  
TDD: 800-877-8339  
Email: [OCR.NewYork@ed.gov](mailto:OCR.NewYork@ed.gov)

See also <http://www2.ed.gov/about/offices/list/ocr/index.html>.

### **Scope of Policy**

This policy applies to all Institute community members including students, employees, contractors, volunteers, vendors, independent contractors, and all other visitors. This policy also applies regardless of the sexual orientation or gender identity of any of the parties.

Sex discrimination or sexual misconduct committed in connection with any Institute program, whether on or off campus, is prohibited and will not be tolerated. 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 the Institute's educational, extra-curricular, or other programs and activities. In addition, this policy applies to off-campus conduct that the Institute determines may cause or threaten to cause an unacceptable disruption at the Institute or which may interfere with an individual's right to a non-discriminatory educational environment.

The Institute is committed to addressing sex discrimination and sexual misconduct and encourages individuals to report incidents to appropriate Institute authorities. Individuals found responsible for sex discrimination or sexual misconduct will be subject to disciplinary action deemed appropriate by the Institute. A complete list of possible sanctions is set forth below in the section entitled "Sanctions and Remedies."

### **Application of Procedures**

Procedures for reporting, investigating, and resolving conduct prohibited under this Policy are based upon the nature of the parties' relationship to the Institute. In situations where the complainant or respondent is a third party (i.e., visitor or other person not connected to the Institute), the Title IX Coordinator will determine, in his or her discretion, whether the procedures under this Policy or another process is the best way to address the alleged misconduct, consistent with the Institute's commitment to promptly and equitably address and resolve reports of discrimination, harassment, and sexual violence.

### **Definitions**

#### **a. Complainant**

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

## **b. Respondent**

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

## **c. Sex Discrimination**

Sex discrimination is conduct based upon an individual's sex that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a program or activity. Sex discrimination encompasses all forms of sexual harassment, sexual misconduct, differential treatment, and gender-based harassment.

## **d. Sexual Harassment**

Sexual harassment includes unwelcome conduct such as sexual advances, requests for sexual favors, sexually motivated physical contact, offensive comments, or other verbal, or nonverbal communication, or physical conduct of a sexual nature, including sexual violence when:

- submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's educational experience or employment, or the individual's submission or rejection of such conduct is used as the basis of an educational program or activity decision or employment decision affecting such individual; or
- such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's education or employment or creating an intimidating, hostile, or offensive educational or work environment.

Actions that can constitute sexual harassment include:

- Unwelcome sexual flirtations, advances, propositions, or requests for sexual favors;
- Verbal abuse of a sexual nature, obscene language, off-color jokes, commentary about an individual's body, sexual innuendo, and gossip about sexual relations
- The display of derogatory or sexually suggestive posters, cartoons, drawings, objects, notes, letters, emails, or text messages
- Unwelcome visual conduct such as leering or making gestures
- Videotaping or taking photographs of a sexual nature without consent
- Cyber harassment, including but not limited to disseminating information, photos, or video of a sexual nature without consent
- Engaging in conduct of a sexual nature which creates an intimidating, hostile, or offensive academic or work environment (e.g., sexually-oriented jokes, offensive physical contact, obscene messages and gestures)
- Punishing or threatening to take adverse action against a subordinate or student for refusing to comply with sexual demands.

Although certain forms of sexual harassment may seem self-evident, recognizing such behavior when it is happening to you or others around you can be difficult. In making such an assessment consider whether the behavior is sexual or sex-based in nature and:

- Is offensive, unwanted or both
- Interferes with your (or another's) ability to enjoy the employment or academic environment
- Interferes with job or academic performance

- Causes unnecessary discomfort, humiliation or harm to you or others around you.

If at any time you are able to answer yes to any of the above questions, you should immediately contact the Student Services Manager or Director for students; or the Director of Human Resources for employees; or if you are not certain of whom to contact or not comfortable contacting someone else, you should always feel free to contact the Institute's Title IX Coordinator Pamela Trammell at (212) 367-0325. Employees are reminded to review the Estee Lauder Companies Code of Conduct for other guidance relating to workplace conduct and reporting sexual harassment.

#### **e. Sexual Violence**

Sexual Violence is a severe form of sexual harassment and includes sexual assault or other sexual violence, domestic violence, dating violence, and stalking. Many types of sexual violence include nonconsensual sexual contact, but this is not a necessary component.

#### **f. Sexual Assault**

Sexual Assault is any sexual contact, including but not limited to sexual penetration, with another person who does not or cannot give consent. This may or may not include force. For purposes of this policy, "sexual contact" shall have the same meaning as it has under New York law, and includes, but is not limited to, any touching of the sexual or other intimate parts of a person for the purpose of gratifying sexual desire of either party. It includes touching directly or through clothing, as well as the emission of ejaculate by one person upon any part of the other person, clothed or unclothed.

Sexual assault includes, but is not limited to:

- Rape (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 any person, without the consent of the victim);
- Fondling (the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim);
- Incest (sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law);
- Statutory rape (sexual intercourse with a person who is under the statutory age of consent).

#### **g. Consent**

Consent is words or overt actions by a person clearly indicating a freely given present agreement to perform a particular sexual act with another, at the time of the act.

Consent can only be given by someone who: acts freely, voluntarily, and with knowledge of the fact and nature of the sexual act involved. Consent is a mutually understood freely given "yes," not the absence of "no." Consent can be withdrawn at any time. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent.

As explained further below consent cannot be given if someone:

- is incapacitated by drugs or alcohol
- is threatened, coerced or intimidated into submission
- is not conscious

- is physically incapacitated
- is mentally incapacitated
- is not of legal age to consent (17 years old in New York)

Consent cannot be inferred from:

- consent to another form of contact or sexual activity
- a prior sexual, romantic or marital relationship
- an existing sexual, romantic or marital relationship
- silence, or an absence of resistance
- prior sexual activity with other individuals

#### **h. Coercion**

Coercion means the use by the actor of words or circumstances that cause the complainant reasonably to fear that the actor will inflict bodily harm upon the complainant or another, or the use by the actor of confinement, or superior size or strength, against the complainant that causes the complainant to submit to sexual contact against the complainant's will. Proof of coercion does not require proof of a specific act or threat.

#### **i. Incapacitation**

Incapacitation means the inability to understand the fact, nature, or extent of the sexual situation. Incapacitation may result from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the influence of drugs or alcohol. With respect to incapacitation due to consumption of drugs or alcohol, incapacitation requires more than being under the influence of drugs or alcohol; a person is not incapacitated simply because he or she has been drinking or using drugs. Where alcohol and/or drugs are involved, incapacitation is determined based on the facts and circumstances of the particular situation looking at whether the individual was able to understand the fact, nature, or extent of the sexual situation, whether the individual was able to communicate decisions regarding consent, nonconsent or the withdrawal of consent, and whether such condition was known or reasonably should have been known to the accused or a reasonable person in the accused's position.

Use of drugs or alcohol by the accused is not a defense against allegations of sexual misconduct and does not diminish personal responsibility. It is the responsibility of the person initiating the specific sexual activity to obtain consent for that activity.

#### **j. Dating Violence**

Dating violence is 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 will be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

#### **k. Domestic Violence**

A pattern of coercive tactics, which can include physical, psychological, sexual, economic and emotional abuse, perpetrated by one person against an adult intimate partner, with the goal of establishing and

maintaining power and control over the victim. While not exhaustive, the following are examples of conduct that can constitute felony or misdemeanor crimes of domestic violence: (1) physical harm, bodily injury or assault; (2) the infliction of fear of imminent physical harm, bodily injury, or assault; or (3) terroristic threats, criminal sexual conduct, or interference with an emergency call.

### **I. Stalking**

Stalking means engaging in a course or pattern of unwelcome and unwanted conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress. Stalking can be a form of sexual harassment if based on someone's sex. Stalking behavior includes, but is not limited to:

- Repeated, unwanted, intrusive, and frightening communications by phone, mail, and/or email;
- Repeatedly leaving or sending victim unwanted items, presents, or flowers;
- Following or lying in wait for the victim at places such as home, school, work, or recreation place;
- Making direct or indirect threats to harm the victim, the victim's children, relatives, friends, or pets;
- Damaging or threatening to damage the victim's property;
- Posting information or spreading rumors about the victim on the internet, in a public place, or by word of mouth;
- Unreasonably obtaining personal information about the victim by accessing public records, using internet search services, hiring private investigators, going through the victim's garbage, following the victim, contacting victim's friends, family, work, or neighbors, etc.

### **m. Retaliation**

Retaliation means adverse action taken against an individual for making a good faith report of a violation of this policy, for supporting another person's report, or participating in an investigation or other proceedings based on the report. Retaliation includes, but is not limited to, any form of intimidation, threats, coercion, or harassment.

### **Title IX Coordinator**

The Institute has designated Pamela Trammell as having overall responsibility for coordinating the Institute's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator will ensure Institute policies and procedures and relevant state and federal laws are followed; ensure appropriate training, prevention, and education efforts take place; oversee the school's response to reports and complaints of sex discrimination and harassment, including monitoring compliance with procedural requirements and timelines outlined in this policy; coordinate the school's efforts to identify and address any patterns or systemic problems revealed by such reports and complaints; and assist in answering any other questions related to these policies and procedures.

Pamela Trammell  
Title IX Coordinator, Aveda Institute New York  
ptrammell@aveda.com  
(212) 367-0325  
233 Spring St.  
New York, NY 10013

The Student Services Manager serves as Deputy Title IX Coordinator for sexual misconduct complaints

involving students and assists the Title IX Coordinator with the implementation of the Institute's policy in matters involving students.

Lynn Oderwald  
Student Services Manager, Aveda Institute New York  
loderwald@aveda.com  
(212) 367-0335  
233 Spring St.  
New York, NY 10013

Jill Gohman, Director of Human Resources for Aveda Corporation, serves as a Deputy Title IX Coordinator for sexual misconduct complaints involving employees and assists the Title IX Coordinator with implementation of the Institute's policy for matters involving employees and matters involving both a student and an employee.

Jill Gohman  
Director, Human Resources  
[jgohman@aveda.com](mailto:jgohman@aveda.com)  
(763) 951-6916  
4000 Pheasant Ridge Dr. N.E.  
Blaine, MN 55449

### **Confidentiality**

The Institute encourages individuals to report all incidents of sexual misconduct to the Institute so that the Institute can investigate and resolve such incidents. This enables the Institute to provide more resources and assistance to a complainant and to more effectively provide a safe, nondiscriminatory environment. An individual who reports an incident of sexual discrimination or misconduct is not required to initiate or participate in the Institute's complaint procedures or to report to law enforcement. However, under certain circumstances, the Institute may determine that it has a responsibility to move forward with the formal investigation of a complaint (even without the participation of the individual who has alleged the sexual misconduct).

The Institute recognizes that some individuals may wish to keep their concerns confidential. Because of the Institute's obligation to investigate and respond to reports, the Institute cannot guarantee complete confidentiality. It is also important to understand that **responsible employees are not confidential resources, and are obligated to report to the Institute any information they receive about sex discrimination or sexual misconduct.** "Responsible employees" are those who: (1) have the authority to take action to redress harassment, (2) have a duty to report to appropriate Institute officials sexual misconduct or any other misconduct by students or employees, or (3) a student could reasonably believe has this authority or responsibility. The Institute's "Responsible Employees" are listed in the faculty and administration section of the Institute's student catalog.

While only certain Institute employees are considered "responsible employees" for purposes of reporting known or suspected incidents of sexual misconduct, it is the Institute's expectation that all students and employees will report incidents of sexual discrimination and sexual misconduct (including names of the alleged victim and accused) to the Title IX coordinator so that the Institute can investigate the incident and take the appropriate steps to address the situation.

When a report of sexual misconduct is made to the Institute, every effort will be made by the Institute to ensure confidentiality to the extent possible, subject to the Institute's need to respond to such complaints and to report campus crimes in accordance with applicable federal and state law. The Institute will protect a complainant's confidentiality to the extent possible even if the complainant does not specifically request confidentiality. While the Institute is obligated to provide the Institute community with general information regarding incidents of sexual assaults and certain other crimes occurring on campus, publicly available recordkeeping, including Clery Act reporting and disclosures such as the annual security report and daily crime log, will not include names or other information that may personally identify either the complainant or the respondent. To ensure that a complainant's personally identifying information will not be included in publically available recordkeeping, the Student Services Manager describes the alleged incidents by removing the complainant's name and any other identifier that would enable the public to identify the complainant in the context of the incident report.

#### *Requests for confidentiality or non-action*

Upon receiving a report of a violation of this policy, the Institute will seek the consent of the complainant to proceed using the procedure(s) set forth herein. The Institute strives to honor any request that a complainant may make to keep any such report confidential or for the Institute not to investigate or respond to such report, but complying with any such request will limit the Institute's ability to meaningfully respond to a report. In deciding whether the complainant's request can be honored, the Institute will weigh the request against the seriousness of the alleged misconduct; the Institute's obligation to maintain a safe and nondiscriminatory learning environment for its students; and the Institute's commitment to addressing and preventing recurrence of misconduct. This determination will be made by the Title IX Coordinator.

If the Institute decides that it has an obligation to investigate and address the alleged policy violation, it will notify the complainant before proceeding. The Institute will maintain confidentiality to the extent reasonably possible, subject to its need to conduct an investigation and respond to the situation in accordance with this policy and applicable federal and state law. In all cases, the individuals investigating and responding to incidents or allegations of misconduct will share information about the incident or allegation, investigation and response within and outside the Institute only on a "need to know" basis. However, complete confidentiality generally will not be possible.

#### *Confidential Community Resources*

Confidential communications are those communications which legally cannot be disclosed to another person without the consent of the individual who originally provided the information, except under very limited circumstances, such as allegations involving the physical or sexual abuse of a child or vulnerable adult or an imminent threat to the life of any person. The Institute recognizes that some individuals may wish to keep their concerns confidential, and that the Institute cannot ensure confidentiality. The Institute encourages individuals who have experienced sexual misconduct to talk to someone about what happened. Community resources may be able to provide assistance and support while ensuring confidentiality. Some of these resources include:

- **RAINN** 800-656-HOPE (4673)
- **Day One NY** 212-566-8120
- **Teen Date Rape Crisis Helpline** 800-214-4150
- **Teen Dating Abuse Hotline** 866-331-9474 or 866-331-8453



- **Child Abuse Hotline** 800-422-4453
- **Crime Victims Hotline** 866-689-HELP (4357)
- **Domestic Violence Hotline** 800-621-HOPE (4673)
- **Rape, Sexual Assault and Incest Hotline** 212-227-3000

### **Non-Participation and Silence**

If, at any time during the complaint procedures explained below, a party decides not to participate, the Institute will proceed with the applicable complaint process and make a determination based upon the information available. Silence in response to an allegation will not necessarily be viewed as an admission of the allegation, but may leave the complainant's allegations undisputed.

### **Interim Measures and Ongoing Accommodations**

At any time after a report of a potential violation of this policy has been received by the Institute, the Institute will provide interim support and/or ongoing accommodations if the complainant requests them and if they are reasonably available, to protect an individual from further harm and to meet its obligations to maintain a safe, nondiscriminatory learning and working environment for students and employees. The Institute is obligated to comply with a student's reasonable request for a living and/or academic situation change following an alleged sex offense. The Institute must take such steps even when an individual asks to keep a reported violation-confidential, when a request is made not to investigate, and regardless of whether an individual chooses to report to Campus Security Authorities or local law enforcement. Interim or protective measures may include:

- Establishing a "no contact" order between individuals.
- Prohibiting an individual from being on campus or at Institute events.
- Changing a student's or employee's status.
- Changing work, class, or other schedules.
- Providing assistance with academic issues.
- Providing excused absences for 1-5 days.
- Offering a student leave of absence.
- Providing a security escort.
- Issuing a timely warning of any substantial threat or danger to the community.
- Making information about and providing assistance with respect to orders for protection and harassment restraining orders, including enforcement of such orders.

Such measures will vary based on the particular facts and circumstances, including, but not limited to, the specific need expressed by the complainant, the age of the student[s] involved, the severity or pervasiveness of the allegations, any continuing effects on the complainant, whether the complainant and alleged respondent share the same class, transportation, or job location, and whether other judicial measures have been taken to protect the complainant. The Title IX Coordinator will be responsible for determining what measures will be put in place.

To request an interim measure or accommodation, individuals should contact the Student Services Manager. The Institute will maintain as confidential any accommodations or protective measures provided to an individual, to the extent that maintaining such confidentiality will not impair the ability of the Institute to provide the accommodations or protective measures. The Institute will only disclose information necessary to provide the accommodations or protective measures in a timely manner. The Title IX Coordinator will determine what information about a victim should be disclosed and to whom

this information will be disclosed. The Institute will inform victims before sharing personally identifying information that the Institute believes is necessary to provide an accommodation or protective measure. The Institute will tell the victim which information will be shared, with whom it will be shared, and why.

### **Waiver of Drug/Alcohol Violations**

The Institute strongly encourages reporting instances of violations of this policy, including assault, dating or domestic violence or stalking. Consequently, individuals who report such information, and individuals who participate in an investigation into allegations of violations of this policy, will not be disciplined by the Institute for any violation of its drug and alcohol policies in which they might have engaged in connection with the reported incident.

### **No Retaliation**

The Institute prohibits retaliation against any individual who makes a good faith report of a potential violation of this policy, who supports another person's report, or who acts as a witness in any investigation into a complaint. Any concerns of retaliation should be reported to the Title IX Coordinator, the Institute Director, or Human Resources. The Institute will take appropriate action against any individual who retaliates against another person in violation of this policy. The Institute will respond to complaints of retaliation pursuant to the procedures set forth in this policy.

### **Treatment of the Parties**

The Institute will treat all parties involved in the complaint resolution procedure with dignity and respect. Each party has the right to participate in the process or decline to participate, with the understanding that the Institute will proceed with the process and make a determination based upon the information available. A complainant shall never be treated in a manner that suggests he or she is at fault for sexual assault or sexual violence or that he or she should have done something different to avoid becoming a victim. The Institute will provide nonjudgmental support to all parties who are engaged in the complaint resolution procedure and will assist any party, at his or her request, with preserving information, documents, or other materials relevant to a report or proceeding initiated under this policy.

### **Conflicts**

The Institute's resolution process will be conducted by officials who do not have a conflict of interest or bias for or against the complainant or respondent. If a complainant or respondent has any concern that any individual acting for the Institute under this policy has a conflict of interest, such concern should be reported to the Title IX Coordinator. The Title IX Coordinator will review the concerns and take appropriate steps to ensure that no conflicts of interest exist on the part of anyone investigating, adjudicating or otherwise resolving a complaint under this policy. If the Title IX Coordinator has a conflict of interest with respect to a complaint, the Institute's Director or the Director's designee shall appoint an alternate person to oversee adherence to the this policy with respect to the complaint at issue. If the Director is a party to the complaint or has a conflict of interest with respect to a complaint, the Executive Director for the Institute shall ensure that the institution puts in place appropriate safeguards under the circumstances to ensure that the institution promptly and equitably responds to the complaint, including, but not limited to, appointment of alternate individuals to oversee adherence to this policy.

### **Timelines**

Generally, the Institute will complete the investigation and adjudication processes outlined below within

sixty (60) calendar days of receiving a complaint under this policy. Some complaints may, however, take longer to investigate and resolve. The Institute is committed to investigating and resolving all matters as promptly as possible and strives to meet the timing requirements set forth in these procedures. However, in some cases, extensions to the timing requirements may be necessary. The Title IX Coordinator may grant reasonable extensions to timing requirements in these procedures when warranted by the circumstances. For example, extensions of timing requirements may be granted if the Institute has been asked to delay its procedures during the evidence gathering stage of a criminal investigation, if the reported allegations are particularly complex (including, without limitation, allegations that involve multiple incidents and/or multiple individuals), or if witnesses are not on campus due to a scheduled break or for another reason. Extensions will be no longer than necessary. The complainant and respondent shall receive written notice of any extensions and the reason for the extension.

### **Reservation of Flexibility**

The procedures set forth below reflect the Institute's desire to respond to complaints in good faith and in a manner that promotes fairness to all parties. The Institute recognizes that each case is unique and that circumstances may arise which require that it reserve some flexibility in responding to the particular circumstances of the matter. In the rare cases where it is not possible or practical to follow this procedure, the Institute reserves the right to modify the procedure or to take other administrative action as appropriate under the circumstances.

### **Written Notification**

In compliance with federal and state law, this policy and its contents provide written notification to students and employees of the following:

- Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available, both within the Institute and the community, for victims of sexual violence;
- Options for, available assistance in, and how to request changes to academic and working situations, or protective measures, for victims of sexual violence;
- A written explanation of the procedures for the Institute's disciplinary action in cases of alleged sexual violence; and
- A written explanation of the rights and options of a student or employee who is a victim of sexual violence, whether the offense occurred on or off campus.

This policy: (1) will be distributed annually to all students and employees of the Institute, (2) is posted on the student bulletin boards, and (3) will be provided by the Institute to any student or employee who reports to the Institute that the student or employee has been a victim of sexual violence.

### **Reporting Sex Discrimination or Sexual Misconduct**

#### **a. Reports to Law Enforcement**

Individuals who believe they have been subjected to criminal sexual misconduct are encouraged to notify local law enforcement authorities and will be assisted by campus authorities in notifying such

authorities, if the individual so chooses. The Institute will comply with an individual's request for assistance in notifying authorities. Individuals are encouraged to report the incident to the New York Police Department.

If you would like to report sexual violence to law enforcement, the New York Police Department is located at 16 Ericsson Place, New York, NY, 10013 and can be contacted by calling 911 OR (212) 334-0611. Call 911 to report a crime in progress or if an officer is needed at the scene. To report a crime that is a non-emergency not requiring a police officer at the scene, call 212-334-0611.

Reporting to law enforcement is not necessary for the Institute to proceed with an investigation.

#### *Protective Orders and No-Contact Orders*

An Order for Protection may be obtained in New York Family Court (against a family member by blood or marriage, a current or former spouse, someone with whom he or she has had a child, or someone with whom he or she has had an intimate relationship), New York Supreme Court in connection with a divorce case, and in New York criminal court in connection with a criminal case. Family Court forms are available online at <https://www.nycourts.gov/forms/familycourt/pdfs/8-2.pdf>. Additional information regarding how and where to file a petition for an Order for Protection in New York courts may be found at <http://www.nycourts.gov/faq/orderofprotection.shtml>. The Institute will fully cooperate with any order for protection issued by a criminal, civil, or tribal court

A no-contact order is an Institute directive that serves as notice to an individual that he or she must not have verbal, electronic, written, third-party or other communications or contact with another individual. To request a no-contact order from the Institute, individuals should contact the Student Services Manager, Lynn Oderwald, by phone at (212) 367-0335 or by email at [loderwald@aveda.com](mailto:loderwald@aveda.com).

The Institute is responsible for honoring requests for information about available options for orders for protection, restraining orders, and no-contact orders and will comply with and enforce such orders.

#### **b. Reports to the Institute**

The Institute encourages anyone who has experienced or knows of an incident of sexual discrimination or misconduct to report the incident to the Institute. Report should include as much information as possible to enable the Institute to respond appropriately. Reports can be made by telephone, email, or in person to individuals listed below. Forms are also available from the Title IX Coordinator, the Student Services office, or Human Resources (for employees). Upon receipt of a report, the Institute will initiate its response and resolution process as set forth herein.

Reports of sex discrimination or sexual misconduct may be made by or about **students** to the following:

- the Title IX Coordinator, Pamela Trammell, phone: (212) 367-0325, email: [ptrammell@aveda.com](mailto:ptrammell@aveda.com);
- the Student Services Manager, Lynn Oderwald, phone: (212) 367-0335, email: [loderwald@aveda.com](mailto:loderwald@aveda.com);
- the Institute Director, Kevin Krelic, phone: (212) 367-0321, email: [kkrelic@aveda.com](mailto:kkrelic@aveda.com)
- the Compliance Director, Gina Lamancusa, phone: (612) 378-7439, email: [glamancu@aveda.com](mailto:glamancu@aveda.com);
- Cosmetology Team Lead; Kevin Blackwell, phone: (212) 367-0336, email: [kblackwe@aveda.com](mailto:kblackwe@aveda.com);
- Esthiology Team Lead; Ashley Marcelli, phone: (212) 367-0343, email: [amarcell@aveda.com](mailto:amarcell@aveda.com);

- or the Campus Security Guard, phone: (212) 572-4499, email: SecurityAINY@aveda.com.

Reports of sex discrimination or sexual misconduct may be made by or about **employees** to the following:

- the Title IX Coordinator, Pamela Trammell, phone: (212) 367-0325, email: ptrammell@aveda.com;
- the Director of Human Resources, Jill Gohman, phone: (763) 951-6916, email: jgohman@aveda.com;
- the Institute Director, Kevin Krelic, phone: (212) 367-0321, email: kkrelic@aveda.com
- the Compliance Director, Gina Lamancusa, phone: (612) 378-7439, email: glamancu@aveda.com;
- Cosmetology Team Lead; Kevin Blackwell, phone: (212) 367-0336, email: kblackwe@aveda.com;
- Esthiology Team Lead; Ashley Marcelli, phone: (212) 367-0343, email: amarcell@aveda.com;
- or the Campus Security Guard, phone: (212) 572-4499, email: SecurityAINY@aveda.com.

Reports of sex discrimination or sexual misconduct may be made by or about **third parties** to the following:

- Title IX Coordinator, Pamela Trammell, phone: (212) 367-0325, email: ptrammell@aveda.com;
- the Institute Director, Kevin Krelic, phone: (212) 367-0321, email: kkrelic@aveda.com;
- the Compliance Director, Gina Lamancusa, phone: (612) 378-7439, email: glamancu@aveda.com;
- or the Campus Security Guard, phone: (212) 572-4499, email: SecurityAINY@aveda.com.

### **c. Anonymous Reports**

The Institute accepts anonymous reports by submitting a complaint online at <http://aveda.edu/new-york/report-harassment/> or by submitting a complaint through the internal student complaint procedure. The Institute's Title IX Coordinator will receive all online complaints. The Student Services Manager will receive the complaint submitted through the internal complaint procedure and forward to the Title IX Coordinator.

The individual making the report is encouraged to provide as much detailed information as possible to allow the Institute to look into the report and respond as appropriate. The Institute may be limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable the Institute to conduct a meaningful and fair investigation. Additionally, the Institute cannot guarantee complete confidentiality because it may have a legal obligation to respond to an anonymous report. See "Confidentiality" section above for further information related to requests for confidentiality.

## **INCIDENTS AND COMPLAINTS INVOLVING SEXUAL VIOLENCE**

If you have been sexually assaulted, it is important to seek medical care, especially if you have been physically injured. Even if you do not have any visible physical injuries from the assault, there may be physical injuries that you cannot see, and medical and health centers can provide additional services such as testing for sexually transmitted diseases and emergency contraception.

## **Preservation of Evidence**

It is important to preserve evidence which may be necessary to the proof of sexual assault, dating violence, domestic violence, or stalking or which may be helpful in obtaining a protective order. To preserve evidence, do not change clothes, bathe, douche, or brush your teeth. This is important for the evidence collection process that will occur at the hospital. Individuals should go to one of New York's Sexual Assault Forensic Examiners ("SAFE") Centers of Excellence to obtain a medical exam and preserve evidence that may be necessary for criminal prosecution as soon as possible. A list of SAFE Center locations can be found at [http://svfreenyc.org/survivors\\_emergency.html](http://svfreenyc.org/survivors_emergency.html) or below under the "Resources for Any Person Impacted by Sexual Violence" section. If you decide to make a report with the police, it is best for evidence collection to occur within 96 hours of the sexual assault. Keep in mind, though, that evidence collection does not require you to make a police report but it does help preserve evidence if you later decide to file a police report. Additional resources are set forth below in the section entitled, "Resources for Any Person Impacted by Sexual Violence."

The institution will provide complete and prompt assistance, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with incidents of sexual violence, including sexual assault.

## **Immediate and On-Going Assistance to Survivors of Sexual Violence**

The Institute will support any person adversely impacted by sexual violence. Both the Institute and the community provide a variety of resources to assist and support individuals who have experienced sexual violence. These resources, both immediate and ongoing, are available to all persons irrespective of their decision to file a complaint with the Institute or make a report to law enforcement. Support services include, but are not limited to, referring the individual to appropriate, fair, and respectful counseling and support services, making changes to academic, living, and/or working arrangements to protect the individual from contact with the alleged perpetrator, assistance in filing a criminal complaint, providing information about restraining orders and other available protections and services, and other measures as set forth above in the section entitled, "Interim Measures and Ongoing Accommodations."

### **Resources for Any Person Impacted by Sexual Violence**

Victims of sexual assault may obtain emergency care at any of New York's Sexual Assault Forensic Examiners ("SAFE") Centers of Excellence. A complete medical evaluation will include a physical examination, treatment, evidence collection, and/or counseling. You will not be made to do anything you do not want to do and may decline any of the elements of this evaluation. Information about SAFE Centers and other resources for sexual assault survivors may be found at <http://www.svfreenyc.org/survivors.html>.

SAFE Centers provide sexual assault patients with:

- 1) Sensitive, victim-centered, medical and forensic health care performed by a specially trained Sexual Assault Forensic Examiner (SAFE). A SAFE is a healthcare provider such as a doctor, nurse, physician's assistant or nurse practitioner.
- 2) Care that is timely, compassionate, and patient-centered, in a designated and appropriately equipped private room.

3) Assurance about the quality of collection, documentation, preservation and custody of physical evidence by utilizing a trained and New York State Department of Health-certified sexual assault forensic examiner to perform exams. These examiners are available to provide expert testimony if patients choose to report crimes to law enforcement.

4) Psycho-social and legal support by a specially trained Rape Crisis Advocate or Counselor.

5) Reliable referrals to mental and physical health care and follow-up services.

Hospitals in New York City with SAFE Centers:

**Manhattan**

St. Luke's Hospital (CHP)  
Amsterdam Ave & W 113th St

Roosevelt Hospital (CHP)  
1000 10th Ave

Beth Israel-Petrie Campus (CHP)  
1st Ave & E 16th St

Bellevue Hospital (HHC)  
1st Ave & E 27th St

Harlem Hospital (HHC)  
506 Lenox Ave

Metropolitan Hospital Center (HHC)  
1901 1st Ave

Mount Sinai Medical Center (Mount Sinai)  
1 Gustave L Levy Pl

New York Presbyterian Hospital-Columbia (NYP)  
622 W 168th St

New York-Presbyterian Hospital- The Allen Pavilion (NYP)  
5141 Broadway

New York-Presbyterian Hospital-Weill Cornell (NYP)  
525 East 68th Street

**Brooklyn**

Woodhull Medical and Mental Health Center (HHC)  
760 Broadway

Coney Island (HHC)  
2601 Ocean Pkwy

Kings County Hospital Center (HHC)  
451 Clarkson Ave

### **Bronx**

North Central Bronx (HHC)  
E 210th St & Kossuth Ave

Lincoln Medical and Mental Health Center (HHC)  
234 E 149th St

Jacobi Hospital (HHC)  
Eastchester Rd & Pelham Pkwy S

### **Queens**

Queens Hospital Center (HHC)  
82-68 164th St

Elmhurst Hospital (HHC)  
79-01 Broadway

### **Staten Island**

Richmond University Medical Center (IN)  
355 Bard Ave

Information about SAFE Centers and other resources for sexual assault survivors may be found at <http://www.svfreenyc.org/survivors.html>.

Students who feel they have been the victim of any form of sexual violence may also wish to seek support or confidential counseling from any of the following resources.

#### Crisis Hotlines

- **RAINN** 800-656-HOPE (4673)
- **Day One NY** 212-566-8120
- **Teen Date Rape Crisis Helpline** 800-214-4150
- **Teen Dating Abuse Hotline** 866-331-9474 or 866-331-8453
- **Child Abuse Hotline** 800-422-4453
- **Crime Victims Hotline** 866-689-HELP (4357)
- **Domestic Violence Hotline** 800-621-HOPE (4673)
- **Rape, Sexual Assault and Incest Hotline** 212-227-3000

Victim Advocacy: **Safe Horizon** (212) 227-3000

Legal Assistance: **Day One** (800) 214-4150



Visa and Immigration Assistance: Immigration Legal Services - Manhattan (ILSOLI) (646) 998-8123

Student Financial Aid: Maritza Madera, Financial Aid Counselor (212) 367-0328

The Institute does not have professional counselors or pastoral counselors on site, but the Student Services Manager can help guide a student or employee to the necessary resource.

### **Complaint Involving Sexual Violence**

Complaints are generally initiated by individuals who believe that their rights under this policy have been violated, but any individual may initiate the complaint procedure. In addition, the Institute reserves the right to move forward with a complaint resolution process to protect the safety and welfare of the community, even if the complainant chooses not to make or move forward with a complaint. Generally, the Title IX Coordinator will make a determination of whether the Institute will move forward with a complaint resolution process in the absence of a complaint filed by the complainant. If the Institute decides that it has an obligation to move forward with a complaint resolution process, it will notify the complainant before proceeding. Complaints of sexual misconduct should be made through the Title IX Coordinator, the Student Services office, Human Resources (for employees), or online at <http://aveda.edu/new-york/report-harassment/>.

#### Contact information

- Title IX Coordinator, Pamela Trammell, phone: (212) 367-0325, email: [ptrammell@aveda.com](mailto:ptrammell@aveda.com);
- Student Services Manager, Lynn Oderwald, phone: (212) 367-0335, email: [loderwald@aveda.com](mailto:loderwald@aveda.com); and
- Director of Human Resources, Jill Gohman, phone: (763) 951-6916, email: [jgohman@aveda.com](mailto:jgohman@aveda.com)

### **Institute's Resolution Process for Complaint Involving Sexual Violence**

Complaints of a violation of this Policy received by the Institute will be processed either according to the following Resolution Process for Complaint Involving Sexual Violence or the Formal or Informal Resolution Process for Incidents and Complaints of Sexual Misconduct that Do Not Involve Sexual Violence, depending on the nature of the allegations. The following process shall generally apply to complaints of a violation of this Policy received by the Institute that involve allegations of sexual violence, including sexual assault, dating violence, domestic violence, and stalking, regardless of where the alleged incident occurred.

The Institute's resolution process will be conducted by officials who receive annual training on issues related to sexual harassment, including sexual assault, dating violence, domestic violence, and stalking, and on how to conduct a resolution process that protects the safety of victims and promotes accountability. The annual training includes, but is not limited to, the following topics: legal requirements for handling complaints of sexual misconduct, relevant evidence and how it should be used, proper techniques for questioning witnesses, basic rules for conducting proceedings, avoiding actual or perceived conflicts of interest, and the impact and challenges of trauma in investigating and adjudicating allegations of misconduct.

The complainant and respondent shall be given timely notice of meetings at which the complainant or respondent or both will be present.

**a. Advisors**

The complainant and the respondent have the right to be assisted by an advisor of their choice, including an attorney, during any institutional disciplinary proceeding or related meeting as long as the advisor acknowledges in writing the below guidelines for advisors. An advisor who is not a potential witness in the case is recommended.

Guidelines for advisors are:

- The purpose of the advisor is to support a student in the complaint process. Advisors should be chosen for their ability to assist a student with the process.
- Advisors may confer with their advisee, but they may not actively participate in the complaint resolution process. The advisor may accompany the complainant or respondent to all meetings relating to the complaint resolution process. The advisor may not appear in lieu of the complainant or respondent or speak on their behalf in either in-person or written communications to the Institute. The advisor may not communicate directly with the investigator, adjudicator(s), appeal official(s), the Title IX Coordinator, Deputy Title IX Coordinators, or any other school official involved in the complaint resolution process and may not interrupt or otherwise delay the complaint resolution process.
- The investigation file or other information provided to a party in any case may be made available to his or her advisor with the written permission of the involved student who has chosen the advisor, subject to the same limitations as those placed upon the parties and conditioned upon the advisor's agreement to maintain the confidentiality of student education records or other confidential information.
- Violations of confidentiality or other forms of interference with the complaint procedure by the advisor may result in disqualification of an advisor.
- The Institute will provide the parties information regarding the selection of an advisor by another party, including whether the other party's advisor is an attorney.

**b. Investigation**

Following the submission of a completed complaint form that states a possible violation of this policy which includes allegations of sexual violence, the Institute will complete a thorough, fair, impartial, and prompt investigation.

**1. Appointment of Investigator(s)**

The Title IX Coordinator, or his or her designee, will appoint one or more investigators. The complainant and the respondent will be notified in writing of the identities of the investigator(s) assigned to their case. As discussed above, each investigator assigned under this policy will have received, at a minimum, annual training on issues related to sexual violence, including how to conduct an investigation that protects the safety of victims and promotes accountability.

The complainant or respondent may request the removal of an investigator on the grounds of personal bias or other conflict of interest. See “Conflicts” section above. Such requests may be made by submitting a written statement to the Title IX Coordinator setting forth the basis for the challenge no later than two (2) business days after receiving notice of the identity of the investigator(s) assigned to the matter. The Title IX Coordinator will determine whether to accept or deny the challenge. If the request is accepted, a replacement will be appointed and notice will be provided to the complainant and respondent. The decision of the Title IX Coordinator with regard to the challenge is final and is not appealable.

## 2. Complainant’s Account

The investigator(s) shall interview the complainant to obtain the complainant’s account of the alleged misconduct or to verify information the complainant has already provided in his or her report or complaint. In addition, the complainant shall be invited to advise the investigator(s) of any witnesses he/she believes should be interviewed, and/or other evidence that he/she believes should be reviewed by the investigator(s). The investigator(s) may also request additional information from the complainant.

The complainant may decide when (or when not) to repeat a description of the alleged misconduct and has the right to decline to participate in the complaint resolution procedure. If at any time the complainant declines to participate in the process, the Institute’s ability to meaningfully investigate and resolve a complaint may be limited. In such cases, the Institute will proceed with the complaint resolution procedure, if possible to do so without the complainant’s participation, and will make a determination based upon the information available as set forth above in the section entitled, “Non-Participation and Silence.”

## 3. Respondent’s Account

In a separate meeting, the investigator(s) shall interview the respondent to obtain the respondent’s account of the alleged misconduct. In addition, the respondent shall be invited to advise the investigator(s) of any witnesses he/she believes should be interviewed, and/or other evidence that he/she believes should be reviewed by the investigator(s). The investigator(s) may also request additional information from the respondent.

The respondent has the right to decline to participate in the complaint resolution procedure. In such cases, the Institute will proceed with the complaint process and will make a determination based upon the information available as set forth in the above section entitled, “Non-Participation and Silence.”

## 4. Witness Statements, if applicable

The investigator(s) may interview any witnesses who may have information of relevance to the alleged misconduct. The investigator(s) may exercise discretion in the selection of witnesses to be interviewed. The naming of a witness by either party does not obligate the investigator(s) to interview that proposed witness. The investigator may conduct additional interviews with witnesses whose names were provided by individuals other than the complainant and the respondent.

## 5. Other Evidence, if applicable

The investigator(s) may request and review other evidence of relevance to the alleged misconduct, such as video recordings, photographs, text messages, or other artifacts.

## 6. Investigator’s Summary of the Investigation, if applicable

The investigator(s) may prepare a written summary of the investigation to guide the adjudicator in his or

her review of the information gathered during the investigation.

#### 7. Compilation of Investigation File

The investigator(s) shall compile evidence into an investigation file. The investigation file shall consist of any information, documents, recordings, or artifacts that are provided to the adjudicator. Such information may include, as applicable:

- The written complaint;
- The investigator's summary of the investigation.

#### 8. Parties' Review of the Investigation File

The investigation file, and any other information that will be shared with school officials for adjudication of a matter, will be made available for review by the complainant and respondent. Confidential information in the investigation file that cannot be shared with the parties or the adjudicator(s) may be redacted from the file in accordance with applicable federal and state law. The investigation file cannot be copied or removed from the location provided by the Institute for review purposes.

Following review of the investigation file, both parties shall have the opportunity to provide a written statement containing any comments or additional information the parties would like the adjudicator(s) to consider. The written statement shall not exceed 2,000 words in length. The written statement must be submitted within ten (10) calendar days after the investigation file is made available to the parties. The parties shall have an opportunity to review the written statement submitted by the other party and may submit a written rebuttal statement not to exceed 1,000 words in length. The rebuttal statement must be submitted within five (5) calendar days after a party's receipt of the other party's initial written statement.

#### 9. Timing of Investigation

The Institute will attempt to complete the investigation process within twenty (20) business days of the initiation of the complaint, but, as discussed in the "Timelines" section above, in some cases more time will be required. For example, if a criminal report has been filed, the Institute's procedures, including any investigation, may be temporarily delayed to allow law enforcement to gather evidence. Such delay may only occur at the request of law enforcement and shall not be any longer than necessary for law enforcement to complete the gathering of evidence. In no case will the Institute wait for the conclusion of a criminal investigation or criminal proceeding to begin its own investigation. Any extension of the investigation process will be no longer than necessary and the reason for the extension will be shared with the parties in writing.

### **c. Adjudication**

Upon completion of the investigation, the Institute Director will review the investigation and make a determination as to whether it is more likely than not that a violation of this Policy occurred, and if so, what sanctions are warranted. The Institute reserves the right to appoint additional adjudicators to assist in making a determination. As discussed in the introduction to the Institute's Resolution Process for Complaint Involving Sexual Violence Section above, each adjudicator assigned under this policy will have received, at a minimum, annual training on issues related to sexual violence, including how to conduct an adjudication process that protects the safety of victims and promotes accountability.

The complainant and the respondent shall receive written notice of the identity of the adjudicator(s) assigned to adjudicate the complaint. The complainant or respondent may request the removal of an adjudicator on the grounds of personal bias or other conflict of interest. See “Conflicts” section above. Such requests may be made by submitting a written statement to the Title IX Coordinator setting forth the basis for the challenge no later than two (2) business days after receiving notice of the identity of the adjudicator(s) assigned to the matter. The Title IX Coordinator will determine whether to accept or deny the challenge. If the request is accepted, a replacement will be appointed and notice will be provided to the complainant and respondent. The decision of the Title IX Coordinator with regard to the challenge is final and is not appealable.

#### 1. Adjudicator’s Review of the Investigation File

The investigation file will be made available to and reviewed by the adjudicator(s) following confirmation of his, her, or their appointment. The investigation file shall consist of the following: complaint, investigator’s summary of the investigation, and the written statements of the parties. Upon review of the investigation file, the adjudicator(s) may, in their discretion, request additional investigation by the investigator(s), or to review specific evidence or information obtained by the investigator.

The Title IX Coordinator will ensure that the complainant and respondent have been given equivalent opportunities to present relevant information for consideration in the investigation and adjudication process. At any time during the investigation and adjudication phases, the Title IX Coordinator may review the investigation summary, written statements of the parties, and other evidence to determine whether additional investigation is necessary, statements and documents received by the investigator are within the appropriate scope of the investigation, and/or information or other evidence contained in the investigation file should be redacted.

#### 2. Determination

The adjudicator(s) will render a decision based upon the investigation file, written statements provided by the parties, and any other information the adjudicator(s) deem appropriate and which is made available to both the complainant and respondent. The Title IX Coordinator is available for consultation, but the Title IX Coordinator will not participate in making a decision. The adjudicator(s) will use a preponderance of the evidence standard (“more likely than not”) in determining whether a violation of the policy has occurred.

The determination of the adjudicator(s) may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision will be final on the first business day after the appeal window.

#### 3. Sanctions and Remedies

If the decision is made that it is more likely than not that the respondent violated this policy the adjudicator(s) shall determine appropriate sanction(s). The determination will include steps to take to prevent recurrence of any such violations, and as appropriate, remedies for the Complainant. Should the Institute determine that other sanctions are deemed necessary to protect the Institute community, those specific sanctions will be included in following year’s Annual Security Report.

### Students

Sanctions imposed upon students who are determined to have violated this policy may include the following, depending on the seriousness of the violation. Each of these sanctions may be imposed alone or in combination for a respondent found responsible for sexual misconduct, including for violations of the dating violence, domestic violence, sexual assault, or stalking provisions of this policy:

- warning,
- behavioral contract,
- required attendance at educational programs,
- required assessment or counseling,
- restriction of privileges,
- no future admission,
- conditions upon the individual's presence on campus or at Aveda Institute New York events,
- no trespass or no contact order(s),
- suspension, ranging from one (1) to sixty (60) days, with reinstatement requirements including behavioral contracts, required attendance at educational programs, required assessment or counseling, and conditions upon individual's presence on campus or at Aveda Institute New York events,
- involuntary withdrawal, ranging from six (6) days to one (1) year, with reentry requirements including behavioral contracts, required attendance at educational programs, required assessment or counseling, and conditions upon individual's presence on campus or at Aveda Institute New York events,
- expulsion.

### Institute Personnel

Sanctions for Institute personnel deemed to have violated this policy may include the following, depending on the seriousness of the violation. Each of these sanctions may be imposed alone or in combination for a respondent found responsible for sexual misconduct, including for violations of the dating violence, domestic violence, sexual assault, or stalking provisions of this policy:

- performance counseling on appropriate behavior and expectations,
- warning (oral or written),
- awareness letter for employee's file,
- performance improvement plan,
- reference to violation in individual employee performance development plan,
- required attendance at educational programs,
- required assessment or counseling,
- conditions upon individual's presence on campus or at Aveda Institute New York events,
- no trespass or no contact order(s),
- unpaid suspension, ranging from one (1) day to two (2) years, with reinstatement requirements including behavioral contracts, required attendance at educational programs, required assessment or counseling, and ongoing conditions upon individual's presence on campus or at Aveda Institute New York events,
- suspension of promotion and salary increments, ranging from six (6) months to two (2) years, with reinstatement requirements including behavioral contracts, required attendance at educational programs, required assessment or counseling, and ongoing conditions upon individual's presence on campus or at Aveda Institute New York events,
- suspension or withdrawal of privileges, ranging from one (1) day to two (2) years, with

reinstatement requirements including behavioral contracts, required attendance at educational programs, required assessment or counseling, and conditions upon individual's presence on campus or at Aveda Institute New York events,

- change in duties,
- demotion and/or termination of employment,
- ineligibility for rehire following termination.

#### Third-Parties

Sanctions for third-parties who have been deemed to have violated this policy may include the following, depending on the seriousness of the violation. Each of these sanctions may be imposed alone or in combination for a respondent found responsible for sexual misconduct, including for violations of the dating violence, domestic violence, sexual assault, or stalking provisions of this policy:

- conditions upon the individual's presence on campus or at Institute events,
- no trespass and no contact orders, or
- other steps deemed necessary to protect the Institute community.

Remedies, accommodations and protective measures for the complainant include those listed in the above section, "Interim Measures and Ongoing Accommodations."

#### 4. Notice of Outcome

The parties shall receive a simultaneous written notice of the outcome of the complaint. The notice shall include the determination of the adjudicator(s); where a violation is deemed to have occurred; the sanctions imposed; the rationales for the determination and sanctions, including, how the evidence was weighted, how the information supports the result, and the standard of evidence applied; procedures for appeal and the date by which the result becomes final as provided below; any other steps the Institute has taken to eliminate the conduct and prevent its recurrence; and, in the complainant's notice, remedies offered or provided to the complainant. If the decision is made that there is not sufficient basis to establish that it is more likely than not that a violation of this policy occurred, the parties will be notified of that determination, including the rationale for the result, and the complainant will be informed of other procedures for resolving the complaint and of other resources that may be available to the complainant.

Normally, the Institute will complete the adjudication process and provide a notice of outcome within twenty-five (25) calendar days of completion of the investigation. In some cases, more time may be required.

#### **d. Appeals**

Following the parties' receipt of the Notice of Outcome, the complainant or respondent may request an appeal of the decision. The request for an appeal must be submitted in writing to the Title IX Coordinator within five (5) business days of receiving notice of the outcome. Failure to file a timely appeal constitutes a waiver of any right to an appeal.

The basis for an appeal will be limited to the following:

- (i) New or newly discovered evidence which may substantially affect the outcome of the adjudication; or

- (ii) There was a procedural error which substantially affected the outcome of the adjudication.

Appeals should not be requested frivolously. An appeal represents a procedural safeguard for the parties. The burden of proof is on the appealing party to show by a preponderance of evidence that one or more of the above grounds for appeal are satisfied.

If the Title IX Coordinator or his/her designee determines that the appealing party has demonstrated it is more likely than not that one of the above grounds for appeal is satisfied, the matter will be referred to the Executive Director for review of the investigation file. If the grounds for appeal relate to the investigation, or warrant additional investigation, the Executive Director may refer the matter for further investigation before proceeding. Upon review of the matter, the Executive Director shall utilize the same process as required for all adjudications under this policy.

If there is not adequate reason to establish that one or more grounds for appeal have been satisfied, the Title IX Coordinator will dismiss the appeal with written notification to the parties of this decision. This decision is final and is not appealable. If there are adequate grounds for appeal, the Title IX Coordinator or his/her designee will provide simultaneous written notification to the parties to the complaint of his/her determination within 10 business days of the filing of the appeal.

#### **INCIDENTS AND COMPLAINTS OF SEXUAL MISCONDUCT THAT DO NOT INVOLVE SEXUAL VIOLENCE**

The Institute's resolution process will be conducted by officials who receive training and/or have to experience handling matters related to sexual harassment and sexual violence, including how to conduct a resolution process that protects the safety of victims and promotes accountability.

#### **Initiation of Complaint**

Complaints are generally initiated by individuals who believe that their rights under this policy have been violated, but any individual may initiate the complaint procedure. In addition, the Institute reserves the right to move forward with a complaint resolution process to protect the safety and welfare of the community, even if the complainant chooses not to make or move forward with a complaint. Generally, the Title IX Coordinator will make a determination of whether the Institute will move forward with a complaint resolution process in the absence of a complaint filed by the complainant. If the Institute decides that it has an obligation to move forward with a complaint resolution process, it will notify the complainant before proceeding. When a complaint is made under this policy, the Institute may ask that the report be confirmed in a written and signed complaint form. The Title IX Coordinator or other Institute official is available to assist in the completion of this form. Complaint forms are available from the Title IX Coordinator, the Student Services office, or Human Resources.

#### **Formal and Informal Resolution Options**

There are two avenues for resolution of an alleged policy violation in cases that do not involve sexual violence: formal and informal resolution. If a complaint is processed informally, the complainant, respondent or Institute has the option to move the complaint to the formal process at any time. Informal resolution is never appropriate in cases involving allegations of sexual assault.



The Title IX Coordinator is available to explain the informal and formal resolution procedures. In addition, the Title IX Coordinator may also directly refer the matter to other institutional disciplinary procedures. This referral option will generally be used when: (1) the type of behavior that is alleged to have occurred does not constitute a violation of the sexual misconduct policy or (2) the behavior that is alleged to have occurred is better handled under another disciplinary procedure. Every attempt will be made to determine the appropriate option for resolution within five (5) business days of the submission of the complaint.

**a. Informal Process and Resolution**

If an informal resolution is pursued, the Title IX Coordinator (or her/his designee) will attempt to facilitate a resolution that is agreeable to all parties. Under the informal process, the Institute will only conduct such fact-finding as is useful to resolve the conflict and as is necessary to protect the interests of the parties, the Institute, and the Institute community.

Any party to the complaint has the option to discontinue the informal process and request a formal investigation. The Institute also always has the discretion to initiate a formal investigation. If at any point during the informal process, the complainant, the respondent, or the Institute wish to cease the informal process and to proceed through the formal procedure, the informal process will stop and the formal process outlined below will be invoked.

Any informal resolution must adequately address the concerns of the complainant, as well as the rights of the respondent and the overall intent of the Institute to stop, remedy, and prevent policy violations. To facilitate such a resolution, the Title IX Coordinator will make a recommended resolution that may include a variety of institutional responses or requirements, including, but not limited to, counseling or education on appropriate behavior, a requirement of behavioral changes, a written warning and/or other disciplinary actions, up to and including termination of employment for employees or suspension or expulsion for students.

If all parties to the complaint and the Institute agree in writing to the terms and conditions of a recommended resolution within five (5) business days, the case will be resolved without further process under this procedure. If all parties to the complaint do not agree in writing to the terms and conditions of the recommended resolution within five (5) business days, the complaint will be referred to the formal process.

**b. Formal Process**

If a complaint is not processed through the Informal Process, or is not resolved through the Informal Process outlined above, the complaint shall be processed according to the formal procedure outlined below.

**1. Investigation**

The Institute will complete a thorough, fair and impartial investigation. The investigation will be conducted by one or more investigators appointed by the Title IX Coordinator. At least one investigator shall be appointed for each case. The complainant and the respondent shall receive written notice of the identity of the investigator(s) assigned to investigate the complaint. Either party may request the

removal of an investigator on the grounds of personal bias or other conflict of interest. See “Conflicts” section above. Such requests may be made by submitting a written statement to the Title IX Coordinator setting forth the basis for the challenge no later than two (2) business days after receiving notice of the identity of the adjudicator(s) assigned to the matter. The Title IX Coordinator will determine whether to accept or deny the challenge. If the request is accepted, a replacement will be appointed and notice will be provided to the complainant and respondent. The decision of the Title IX Coordinator with regard to the challenge is final and is not appealable.

The investigator(s) shall interview the complainant, respondent and/or other witnesses and may request additional information from the complainant, respondent or others. In addition, the complainant and respondent shall have an opportunity to advise the investigator(s) of any witnesses they believe should be interviewed, and/or other evidence that they believe should be reviewed by the investigator(s). The investigator may interview witnesses who were not suggested by either party.

Normally, the Institute will complete the investigation process within twenty (20) business days of the initiation of the complaint or the referral from the informal process, but in some cases more time will be required.

## 2. Adjudication

The Institute will complete a thorough, fair, impartial, and timely adjudication process. The complainant and the respondent shall receive written notice of the identity of the adjudicator(s) assigned to adjudicate the complaint and the Title IX Coordinator reserves the right to appoint additional adjudicators to assist in making a determination. Either party may request the removal of an adjudicator on the grounds of personal bias or other conflict of interest. See “Conflicts” section above. Such requests may be made by submitting a written statement to the Title IX Coordinator setting forth the basis for the challenge no later than two (2) business days after receiving notice of the identity of the adjudicator(s) assigned to the matter. The Title IX Coordinator will determine whether to accept or deny the challenge. If the request is accepted, a replacement will be appointed and notice will be provided to the complainant and respondent. The decision of the Title IX Coordinator with regard to the challenge is final and is not appealable.

The investigation file will be made available to and reviewed by the adjudicator(s) following his, her, or their appointment. Upon review of the investigation file, the adjudicator(s), in consultation with the Title IX Coordinator, may request additional investigation by the investigator(s). The adjudicator(s) will render a decision based upon the investigation file and any other information the adjudicator(s) deems appropriate. While the Title IX Coordinator is available for consultation, the Title IX Coordinator will not participate in making a decision. The adjudicator(s) will use a preponderance of the evidence (or “more likely than not”) standard in determining whether a violation of this policy has occurred, and if so, what sanctions are warranted.

If the decision is made that there is not sufficient basis to believe that it is more likely than not that the respondent violated this Policy, the parties will be notified of that determination and informed of other resources that may be available.

If the decision is made that it is more likely than not that the respondent violated this policy, the adjudicator(s) or the adjudicator’s designee shall determine appropriate sanction(s). The determination will include steps to take to prevent recurrence of any such violations, and as

appropriate, remedies for the complainant. Possible sanctions include counseling or education on appropriate behavior, a requirement of behavioral changes, a written warning and/or other disciplinary actions, up to and including termination of employment for employees or suspension or expulsion for students.

### 3. Notice of Outcome

The parties shall receive a simultaneous written notice of the outcome of the complaint, to include the determination of the adjudicator(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 the Institute has taken to eliminate the conduct and prevent its recurrence; and, in the complainant's notice, remedies offered or provided to the complainant. Every attempt will be made to complete the adjudication process and provide a Notice of Outcome within twenty-five (25) business days of the completion of the investigation. In some cases, more time may be required.

### 4. Appeals

Following the parties' receipt of the Notice of Outcome, the complainant or respondent may request an appeal of the decision. The request for an appeal must be submitted in writing to the Title IX Coordinator within five (5) business days of receiving notice of the outcome. Failure to file a timely appeal constitutes a waiver of any right to an appeal.

The basis for an appeal will be limited to the following:

- (i) New or newly discovered evidence which may substantially affect the outcome of the adjudication; or
- (ii) There was a procedural error which substantially affected the outcome of the adjudication.

Appeals should not be requested frivolously. An appeal represents a procedural safeguard for the parties. The burden of proof is on the appealing party to show by a preponderance of evidence that one or more of the above grounds for appeal are satisfied.

If the Title IX Coordinator or his/her designee determines that the appealing party has demonstrated it is more likely than not that one of the above grounds for appeal is satisfied, the matter will be referred to the Executive Director for review of the investigation file. If the grounds for appeal relate to the investigation, or warrant additional investigation, the Executive Director may refer the matter for further investigation before proceeding. Upon review of the matter, the Executive Director shall utilize the same process as required for all adjudications under this policy.

If there is not adequate reason to establish that one or more grounds for appeal have been satisfied, the Title IX Coordinator will dismiss the appeal with written notification to the parties of this decision. This decision is final and is not appealable. If there are adequate grounds for appeal, the Title IX Coordinator or his/her designee will provide simultaneous written notification to the parties to the complaint of his/her determination within 10 business days of the filing of the appeal.

## **ALTERNATIVE PROCEDURES**

Nothing in this policy is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but is not limited to, filing a complaint with the United States Department of Education's Office for Civil Rights (OCR).

The OCR office for institutions located in New York is:

U.S. Department of Education  
Office for Civil Rights  
32 Old Slip, 26th Floor  
New York, NY 10005-2500  
Telephone: 646-428-3900  
FAX: 646-428-3843  
TDD: 800-877-8339  
Email: OCR.NewYork@ed.gov

### **Registered Sex Offender Notification**

In compliance with federal law, AINY gives notice to students of where law enforcement agency information concerning registered sex offenders may be obtained. A list of all registered sex offenders in New York is available from the New York State Division of Criminal Justice Services at: [http://www.criminaljustice.ny.gov/SomsSUBDirectory/search\\_index.jsp](http://www.criminaljustice.ny.gov/SomsSUBDirectory/search_index.jsp). The Aveda Institute New York is located in New York County and the zip code is 10013.