

Sex Discrimination and Sex-Based Harassment Policy and Resolution Procedures

Under Title IX of the Higher Education Amendments of 1972



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PURPOSE

American Career College (“ACC” or “institution”) does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, including in admission and employment. American Career College has adopted this policy and applicable grievance procedures to provide for the prompt and equitable resolution of complaints alleging any action that would be prohibited by this policy.

The prohibited offenses outlined in this policy may also be prohibited by Title IX of the Higher Education Amendments of 1972, 20 U.S. C. § 1681 et seq. (“Title IX”), by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”) and Section 304 of the Violence Against Women Reauthorization Act of 2013 (“VAWA”), Title VII of the Civil Rights Act of 1964, and other applicable statutes, including the laws of the State of California. This policy prohibits a broad continuum of harassment on the basis of sex, some of which are not prohibited under Title IX or other laws. Their inclusion in this policy reflects ACC’s standards and expectations for a working and learning environment where everyone is free to work and learn safely.

Nothing in this policy shall affect the right of an individual to file a complaint with external law enforcement agencies, if applicable. A complaint may be filed concurrently with external law enforcement agencies and the institution without jeopardizing an individual’s rights to an administrative investigation or other process.

Inquiries regarding Title IX or the application of this policy and the respective resolution process and procedures used to resolve complaints may be referred to the ACC’s Title IX Coordinator, to the U.S. Department of Education’s Office for Civil Rights or both.

SCOPE

This policy covers how American Career College will respond to allegations of sex discrimination as defined by this policy, including discrimination on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. The policy also covers instances and allegations of sex-based harassment including hostile environment, quid pro quo, sexual assault, dating violence, domestic violence, and stalking.

In addition to harassment on the basis of sex, ACC prohibits discrimination in its employment practices and its educational programs and activities on the basis of race, color, religion, national origin, age, disability, genetic information, and veteran status. To report harassment or discrimination based on any other protected class other than sex, contact Student Affairs or Human Resources.

Alleged harassment and discrimination not identified under this policy, including harassment that is not on the basis of sex or other protected classes, may be addressed under the Student Code of Conduct or Associate Handbook depending on the status of the Respondent.

This policy governs the conduct of American Career College students, faculty, staff, and third parties (e.g., non-members of the ACC community, such as applicants, volunteers, vendors, alumni/ae, trustees, visitors, or local residents). Third parties may be protected by and subject to this policy depending on their relationship with the ACC. A third-party may make a report or complaint of an alleged violation of this policy by a member of the ACC community when the alleged violation occurs within the context of ACC's programs and activities. A third-party may also be permanently barred from ACC or subject to other restrictions for failing to comply with this policy.

This policy applies to conduct that occurs within ACC's premises, which includes land, buildings, facilities, and other property in the possession of or owned, used, or controlled by ACC, either solely or in conjunction with another entity. This includes ACC's computing and networking resources whether accessed on ACC's physical property or remotely. Online and/or social media conduct may violate this policy if it meets the definition of Prohibited Conduct and may also be a violation of other ACC policies.

This policy also applies to conduct not on ACC's premises that is associated with an institution-sponsored program or activity, such as travel, clinical sites, or internship programs. ACC may apply this policy to any off-campus conduct that contributes to a hostile environment on campus or within the educational setting. The Title IX Coordinator or designee will reasonably determine when an alleged off-campus incident falls within the jurisdiction of this policy.

All aspects of this policy will be carried out in a fair and impartial manner and without conflict of interest or bias.

POLICY DEFINITIONS

Advisor of Choice

For resolutions of sex-based harassment complaints involving students or for employee reports involving dating violence, domestic violence, sexual assault, or stalking, the parties may be accompanied to any meeting or proceeding by an advisor of their choice. An advisor of choice is any individual who provides the complainant or respondent support, guidance, or advice and is not also a witness in the case. The advisor may not participate in the meetings or speak on behalf of the party except as outlined in this policy. ACC will not limit the choice of advisor but may remove an advisor that violates ACC's established rules of decorum. An advisor should be chosen whose schedule allows attendance at the scheduled dates and times because delays typically will not be allowed due to the scheduling conflicts of an advisor. An employee may serve as an advisor but is not required to do so even if requested.

Appeal Officer

"Appeal officer" means the person or persons that will make the determination on any appeal or challenge submitted under this policy including appeals of dismissals and

determinations of responsibility. The appeal officer may be an employee or a contracted service provider.

Complainant

“Complainant” means (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination as defined by this policy; or (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under this policy and who was participating or attempting to participate in ACC’s education program or activity at the time of the alleged sex discrimination.

Confidential Employee

“Confidential Employee” means (1) an employee of ACC whose communications are privileged or confidential under Federal or State law and the employee is functioning within the scope of their duties to which the privilege or confidentiality applies; (2) an employee designated as confidential under this policy for the purpose of providing services to persons related to sex discrimination; or (3) an employee who is conducting an Institutional Review Board-approved study designed to gather information about sex discrimination—but the employee’s confidential status is only with respect to information received while conducting the study.

Decisionmaker

“Decisionmaker” means the person or persons that will make the determination of responsibility at the conclusion of the applicable grievance procedures under this policy. The decisionmaker may be an employee or a contracted service provider and may be the same person as the Title IX Coordinator or investigator.

Informal Resolution Facilitator

“Informal Resolution Facilitator” means an individual designated by ACC to resolve reports and complaints utilizing an informal resolution process. The assigned facilitator for an informal resolution process will not be the same person as the assigned investigator or the decisionmaker.

Investigator

The “investigator” is the person or persons assigned to conduct an investigation of a complaint. The investigator may be an employee or a contracted service provider.

Party

“Party” means the complainant(s) or respondent(s). A respondent becomes a “party” to the action upon receipt of notice of the complaint.

Pregnancy or Related Conditions

“Pregnancy or Related Conditions” means the following: (1) Pregnancy, childbirth, termination of pregnancy, or lactation; (2) Medical conditions related to pregnancy,

childbirth, termination of pregnancy, or lactation; or (3) Recovery from pregnancy, childbirth, termination of pregnancy, lactation, or related medical conditions.

Respondent

“Respondent” means a person who is alleged to have violated ACC’s prohibition on sex discrimination. A respondent is presumed not responsible for alleged conduct until a determination whether sex discrimination occurred is made at the conclusion of a resolution process outlined in this policy. When a sex discrimination complaint alleges that ACC policy or practice discriminates on the basis of sex, then ACC is not considered a respondent as it relates to the respondent’s rights in this policy.

Student

A “Student” is a person who has gained admission to the institution.

Title IX Coordinator

The “Title IX Coordinator” is responsible for overseeing ACC’s response to reports of sex discrimination and to ensure compliance with Title IX, including oversight of all recordkeeping and training. The Title IX Coordinator is also responsible for coordinating the effective implementation of supportive measures and remedies. The Title IX Coordinator may delegate responsibilities under this policy to a Deputy Title IX Coordinator or other designee, who will be appropriately trained per the requirements of Title IX. For purposes of this policy, any reference to the Title IX Coordinator should be read as inclusive of the “Title IX Coordinator, Deputy Title IX Coordinator, or other designee.”

Title IX Personnel

“Title IX personnel” means all individuals who are responsible for responding to reports of sex discrimination, implementing the grievance procedures in this policy, hearing challenges to removals, or having the authority to modify or terminate supportive measures. All Title IX personnel shall receive annual training as required by Title IX, Clery, and applicable state law. Persons falling under this description include, without limitation, Title IX Coordinator(s), investigators, decisionmakers, appeal officers, and informal resolution facilitators, with any of the responsibilities outlined herein. Title IX Personnel will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent.

Witness

“Witness” means any individual who has direct knowledge of an incident or other information relevant to the allegation. Character witnesses are not considered relevant, and expert witnesses are considered only at the discretion of the investigator or decisionmaker.

PRIVACY AND CONFIDENTIALITY

Issues of privacy and confidentiality play important roles in this policy and may affect individuals differently. Privacy and confidentiality are related but distinct terms. “Confidentiality” refers to the circumstances under which information will or will not be disclosed to others. “Privacy” refers to the discretion that will be exercised by American Career College employees in the course of a complaint to only share information with those persons who have a need-to-know related information, for example, to carry out a supportive measure.

In some circumstances, the reporting responsibilities of ACC employees, or ACC’s responsibility to investigate, may conflict with the preferences of the complainant and/or respondent with regard to privacy and confidentiality. Therefore, all individuals are encouraged to familiarize themselves with their options and responsibilities. In all such proceedings, ACC will take into consideration the privacy of the parties to the extent possible.

PROHIBITED CONDUCT

For purposes of this policy, the following definitions constitute conduct to be “on the basis of sex” which includes conduct on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity. Attempts to commit any Prohibited Conduct are prohibited and will be considered the same as completed acts.

Sex Discrimination

“Sex Discrimination” means conduct, on the basis of sex, that excludes from participation, denies benefits to, or otherwise differently treats persons in a way that limits or denies their ability to participate in the educational program or activity except as permitted by federal or state law.

Hostile Environment Harassment

“Hostile Environment Harassment” means unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person’s ability to participate in or benefit from the education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- (i) The degree to which the conduct affected the complainant’s ability to access ACC’s education program or activity;
- (ii) The type, frequency, and duration of the conduct;
- (iii) The parties’ ages, roles within ACC’s education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;

- (iv) The location of the conduct and the context in which the conduct occurred; and
- (v) Other sex-based harassment in ACC's education program or activity.

Quid Pro Quo Harassment

"Quid Pro Quo Harassment" means when an employee, agent, or other person authorized by ACC to provide an aid, benefit, or service under ACC's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct.

Sexual Assault—Non-Consensual Sexual Penetration

"Nonconsensual sexual penetration" means the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Sexual Assault—Non-Consensual Sexual Contact

"Nonconsensual Sexual Contact" means the touching of the breasts, buttocks, or groin of another person for the purpose of sexual gratification without the consent of the victim.

Sexual Assault—Incest

"Incest" is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Sexual Assault—Statutory Rape

"Statutory Rape" is sexual intercourse with a person who is under the statutory age of consent.

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 complainant.

Domestic Violence

"Domestic Violence" means felony or misdemeanor crimes committed by a person who (A) is a current or former spouse or intimate partner of the victim under California law or a person similarly situated to a spouse of the victim; (B) is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner; (C) shares a child in common with the victim or (D) commits acts against a youth or adult victim who is protected from those acts under California family or domestic violence laws.

Stalking

"Stalking" means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

Retaliation

“Retaliation” means intimidation, threats, coercion, or discrimination against any person by ACC, a student, or an employee, or ACC-authorized person for the purpose of interfering with any right or privilege under this policy or because the person has reported information made a complaint, testified, assisted, or participated or refused to participate in any manner in an informal resolution process or grievance procedures under this policy. Nothing in this definition precludes ACC from requiring an employee or other ACC-authorized person to participate as a witness in, or otherwise assist with an investigation, proceeding, or hearing under this policy.

Definition of Consent

ACC uses the definition of consent as defined by the State of California. In the State of California, in order for individuals to engage in sexual activity of any type with each other, there must be affirmative consent prior to and during sexual activity. Affirmative consent is defined as affirmative, conscious, and voluntary agreement to engage in sexual activity. To obtain consent, a clear, "yes" is necessary. Consent cannot be inferred from the absence of a "no." Non-verbal consent is not as clear as talking about what an individual wants or does not want sexually. Consent can be revoked at any time and the existence of a dating or marital relationship between the parties in no way infers consent.

What constitutes lack of consent?

Consent cannot be inferred through silence or lack of resistance. Consent to one activity does not constitute consent to other sexual acts. Past sexual activity does not constitute consent for future acts. If at any time consent is uncertain, the initiating party should stop and obtain verbal consent. Consent can be withdrawn at any time. The use of any force, display of force, coercion, or intimidation negates consent. Consent is also not present if someone is incapacitated by alcohol, illegal drugs, or over the counter medication.

Individuals who are incapacitated may not legally give consent to sexual activity. Incapacitation includes, but is not limited to, being highly intoxicated, passed out, or asleep. A person who is incapacitated for the purposes of this policy is one who is not legally able to give consent because they are mentally or physically helpless. “Mentally helpless” is when a person suffers from a mental illness or a condition (like being passed out, asleep, or highly impaired) that renders them incapable of understanding the nature of their conduct or rendering their own self-care. “Physically helpless” means a person has restriction of movement, either temporarily or permanently.

When incapacitation occurs due to alcohol or drug use, indicators of incapacitation may include the following:

- Slurred speech
- Bloodshot or unfocused eyes
- Unsteady gait; needing assistance to walk/stand
- Vomiting
- Outrageous or unusual behavior

- Concern expressed by others about the individual
- Expressed memory loss or disorientation

REPORTING

A “report” is an oral or written disclosure to the Title IX Coordinator of Prohibited Conduct. Any person may report an allegation of Prohibited Conduct defined by this policy. Reports may be made by the person who experienced the behavior or by a third-party, including, but not limited to, a friend, family member, attorney, staff member, or professor.

A “complaint” means an oral or written request to the institution that objectively can be understood as a request for the institution to investigate and make a determination about alleged discrimination under this policy. For complaints of sex-based harassment, only the complainant or a person with the legal right to act on the complainant’s behalf may make a complaint.

A person has the right to report or not report the alleged incident to ACC, law enforcement, or both and may pursue some or all these reporting options at the same time. When initiating a report, a person does not need to know whether they wish to request any particular course of action, nor how to label what happened.

Contact information for on and off-campus resources may be found in Appendix A.

Reporting to a Title IX Coordinator

Any individual who may have been subjected to Prohibited Conduct as defined in this policy should contact the Title IX Coordinator. Additionally, the Title IX Coordinator will be informed of all reports of potential violations of this policy received by employees who are mandated to report under this policy or by federal or state law.

The Title IX Coordinator may be contacted by telephone, email, or in person using the below contact information.

Title IX Coordinator	
Audrey Kaplan Vice President, Compliance and Risk Management (949) 743-5765 AKaplan@americancareercollege.edu	Administration Office 151 Innovation Drive Irvine, CA 92617
Title IX Deputy Coordinators	
Mandy DeJong Regulatory Compliance Associate (949) 783-4952 mDeJong@americancareercollege.edu *This Deputy Coordinator has responsibility for providing modifications/supports for pregnancy or related conditions for students.	Administration Office 151 Innovation Drive Irvine, CA 92617

<p>Nina Khiev Regulatory Compliance Associate (949) 783-4826 nKhiev@americancareercollege.edu * This Deputy Coordinator has responsibility for providing guidance to students who have questions about Title IX regarding the actions of other students.</p>	<p>Administration Office 151 Innovation Drive Irvine, CA 92617</p>
<p>Leslie Zarrelli Executive Director, HR Business Partner (202) 794-7768 lzarrelli@americancareercollege.edu *This Deputy Coordinator has responsibility for providing modifications/supports for pregnancy or related conditions for employees/faculty and for any Title IX complaints that include an employee as a party, but no student as a party.</p>	<p>Administration Office 151 Innovation Drive Irvine, CA 92617</p>
<p>To contact the United States Department of Education's Office for Civil Rights: San Francisco Office U.S. Department of Education 50 United Nations Plaza San Francisco, CA 94102 Telephone: (415) 486-5555 Facsimile: (415) 486-5570 Email: OCR.SanFrancisco@ed.gov</p>	

Reporting to Campus Safety and Law Enforcement

Any student or employee who has experienced domestic violence, dating violence, sexual assault, or stalking may report the incident to ACC Safety and Security or local law enforcement. Individuals are encouraged to contact law enforcement and seek medical treatment as soon as possible following an incident that poses a threat to safety or physical well-being or following a potential criminal offense. Individuals also have the right to decline to notify law enforcement authorities. A report to law enforcement is not a complaint for purposes of ACC's grievance procedures.

At an individual's request, Safety and Security will assist a person who has been impacted by domestic violence, dating violence, sexual assault, or stalking in contacting local law enforcement, including facilitating law enforcement to come to campus to take the report.

Immediate Help
Call 911

**ACC Safety and Security
Global Security Operations Center**

855-955-9911

<u>ACC Campus</u>	<u>Local Police Agency</u>	<u>Address</u>	<u>Phone Number</u>
Orange County	Anaheim Police Department	425 S Harbor Blvd, Anaheim, CA 92805	(714) 765-1900
Ontario	Ontario Police Department	2500 S. Archibald Ave, Ontario, CA 91761	(909) 395-2001
Los Angeles	Los Angeles Police Department	1401 W. 6th St., Los Angeles, CA 90017	(213) 484-3400

American Career College may issue a directive called a “No Contact Order” that limits contact between the parties within the educational program or activities. A complainant interested in a no-contact order at ACC may contact the Title IX Coordinator.

A restraining order (also called a “protective order”) is a court order that can protect someone from being physically or sexually abused, threatened, stalked, or harassed. The person getting the restraining order is called the “protected person.” The person the restraining order is against is the “restrained person.” Sometimes, restraining orders include other “protected persons” like family or household members of the protected person. A restraining order may be sought through the court system and a campus representative may provide assistance upon request in assisting a complainant in obtaining an order. Students and employees with a restraining order issued through the courts may provide that to ACC’s Title IX Coordinator, and to Safety and Security, to assist in enforcement on campus. For more information on restraining orders, visit <https://www.courts.ca.gov/1260.htm>.

Prohibited Conduct under this policy may also constitute violations of state and local law. American Career College officials are required to document certain reports for Clery Act reporting purposes. There is no personally identifiable information (PII) about the complainant in any publicly available recordkeeping.

No Confidential Employees on Campus

ACC does not offer on campus resources in health, mental health, counseling, victim advocacy, legal assistance, or visa and immigration assistance. ACC encourages complainants to utilize off-campus resources in their area of residence. **See Appendix A**

of this policy for a list of resources near each campus. For assistance, students and associates may contact the Campus Title IX Administrator or Student Affairs for an individual campus. Either of those offices can connect complainants with the resources they may need.

Reporting Anonymously

An individual may report an incident without disclosing the individual's name or requesting any action. Please note that choosing to make an anonymous report can significantly limit the ability of ACC to respond. Anonymous reports may be used for statistical purposes and/or for enhancing the understanding of the campus climate so that American Career College may strengthen sex discrimination response and prevention efforts. An anonymous report may be made by <https://americancareercollege.edu/forms/sexual-misconduct>

Reporting to Other American Career College Employees

In light of ACC's obligation to make reasonable efforts to investigate and address conduct prohibited by this policy, all ACC employees are required to notify the Title IX Coordinator of suspected Prohibited Conduct using the conduct information in this document. A report to a faculty or staff member does not automatically result in a complaint for the purpose of initiating the applicable grievance procedures.

Additionally, all employees of ACC are mandatory reporters of Child Abuse. This means that all employees have a duty to immediately report whenever they have reasonable cause to believe that a child known to them in their professional or official capacity may be abused or neglected regardless of the wishes of the reporter. Immediate reports should be made to the Title IX Coordinator as well as to [the county Children's Protective Services 24-hour emergency response phone](#). You may also contact the police or county sheriff.

Consistent with the Clery Act, certain ACC administrators, faculty, and staff are designated as Campus Security Authorities ("CSA") and required to report information on sexual assault, dating violence, domestic violence, and stalking to ACC's Clery Act compliance officer.

AMERICAN CAREER COLLEGE RESPONSE TO A REPORT

Upon receiving a report alleging Prohibited Conduct, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, provide a written explanation of rights and options, and explain to the complainant their options including informal resolution processes and applicable grievance procedures.

If the complainant is unknown, the Title IX Coordinator will provide the above referenced information to the initial reporter.

Supportive Measures

Upon receipt of a report alleging Prohibited Conduct, ACC will provide reasonable and appropriate supportive measures. Supportive measures mean individualized services as appropriate, without fee or charge, that do not unreasonably burden a party, and that are not for punitive or disciplinary reasons. Such measures are designed to restore or preserve equal access to ACC's educational program or activity, to protect the safety of all parties or ACC's educational environment, and to provide support during any grievance procedures or informal resolution process. Supportive measures may be modified or terminated as needed.

Supportive measures may include:

- Counseling
- Extensions of deadlines and other course-related adjustments
- Campus escort services
- Increased security and monitoring of certain areas of the campus
- Restrictions on contact applied to one or more parties
- Leaves of absence
- Changes in class, work, housing, transportation, or extracurricular activity
- Training and education programs related to sex-based harassment
- Any other remedy that can be used to achieve the goals of this policy

Requests for supportive measures may be made by the complainant or respondent to the Title IX Coordinator. A party may also seek a modification or termination of a supportive measure applicable to them if circumstances change materially. Requests to challenge a supportive measure, including a supportive measure that was provided, denied, modified, or terminated, should be sent to the Title IX Coordinator. The Title IX Coordinator will assign a trained employee unaffiliated with the matter who will hear the challenge. The party has five business days from the date the measure was denied, modified, terminated, or provided to lodge their challenge regarding the supportive measure.

The institution must make such accommodations or provide such protective measures if they are reasonably available, regardless of whether the complainant chooses to report the crime to law enforcement or file a complaint under this policy.

For a full list of resources both on and off-campus, **see Appendix A.**

Interim Removal

In connection with this policy, an interim removal may be imposed in circumstances where the Title IX Coordinator or designee has determined that an imminent and serious threat to the health or safety of a complainant or any students, employees, or other persons (not including the respondent) arising from the allegations of sex discrimination exists after notice of the complaint has been provided to the parties. An interim removal may be an interim suspension or any necessary restriction prior to the resolution of the matter. Prior

to imposing an interim removal, ACC will undertake an individualized safety and risk analysis.

In all such cases¹, the respondent student may challenge the decision after the interim removal has been imposed.

ACC, in its sole discretion, may place an employee respondent on administrative leave pending the resolution of the complaint. This decision is not subject to challenge.

Informal Resolution

An informal resolution is a voluntary option for resolution of reports of sex discrimination. Such resolutions may include a mutual agreement of responsibility and sanctions, mediation, or other conflict resolution methods as offered by ACC.

The Title IX Coordinator will determine, based on the totality of the circumstances, whether an informal resolution process is appropriate given the facts and participants. If appropriate, the Title IX Coordinator may offer an informal resolution as an option to the parties a) with or without a complaint; and b) at any time prior to a determination of responsibility in the formal grievance process. Prior to proceeding, the Title IX Coordinator will obtain written voluntary consent from the complainant and the respondent.

Before initiation of an informal resolution process, the institution will provide the parties written notice that explains:

- a. The allegations;
- b. The requirements of the informal resolution process;
- c. That, prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and to initiate or resume applicable formal grievance procedures;
- d. That the parties' agreement to a resolution at the conclusion of the informal resolution process would preclude the parties from initiating or resuming grievance procedures arising from the same allegations;
- e. The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- f. What information American Career College will maintain and whether and how the information could be disclosed for use in any applicable grievance procedures if such grievance procedures are initiated or resumed if an informal resolution process is not.

The Title IX Coordinator will assign a person as the facilitator who would not be the investigator or decisionmaker in the assigned case. Any party may withdraw from the

¹ Please see Appendix B: *Emergency Removal Process*.

informal resolution process prior to agreeing to the resolution. In such an instance, the parties may be referred to the applicable grievance procedures.

Potential terms that may be included in an informal resolution agreement include but are not limited to restrictions on contact; and restrictions on the respondent's participation in one or more programs or activities or attendance at specific events, including restrictions that the institution could have imposed as remedies or disciplinary sanctions had the institution determined at the conclusion of the formal grievance process that sex discrimination occurred.

Once the parties agree to the resolution, the resolution is final, and there is no appeal. The resolution is provided to both parties simultaneously in writing.

Title IX-Coordinator Initiated Complaints

The Title IX Coordinator will take appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the educational setting. This may include utilizing ACC's formal grievance procedures.

In the absence of a complaint or resolution through an informal process, the Title IX Coordinator will determine whether to initiate a complaint. To make this fact-specific determination, the Title IX Coordinator will consider, at a minimum, the following factors:

- (1) The complainant's request not to proceed with initiation of a complaint;
- (2) The complainant's reasonable safety concerns regarding the initiation of a complaint;
- (3) The risk that additional acts of sex discrimination would occur if a complaint were not initiated;
- (4) The severity of the alleged sex discrimination, including whether the discrimination, if established, would require the removal of a respondent from campus or imposition of another disciplinary sanction to end the discrimination and prevent its recurrence;
- (5) The age and relationship of the parties, including whether the respondent is an employee;
- (6) The scope of the alleged sex discrimination, including information suggesting a pattern, ongoing sex discrimination, or sex discrimination alleged to have impacted multiple individuals;
- (7) The availability of evidence to assist a decisionmaker in determining whether sex discrimination occurred; and
- (8) Whether ACC could end the alleged sex discrimination and prevent its recurrence without initiating its grievance procedures.

If the Title IX Coordinator determines that a complaint should be initiated against the wishes of the complainant, the Title IX Coordinator will inform the complainant prior to

initiating the applicable grievance procedures. The Title IX Coordinator will also appropriately address reasonable concerns about the complainant's safety or the safety of others, including by providing supportive measures. A complainant retains standing as a complainant even in cases where the Title IX Coordinator initiates the complaint.

AMERICAN CAREER COLLEGE RESPONSE TO A COMPLAINT

All formal grievance procedures involve an investigation followed by a determination of responsibility by a decisionmaker. ACC utilizes different grievance procedures based on the alleged behaviors and the status of the parties with the goal of evaluating the allegations and assessing the credibility of the parties and witnesses.

To initiate a formal grievance procedure, a complaint must be initiated.

Typically, the Title IX Coordinator will determine whether to investigate or dismiss a complaint of sex discrimination within five business days of receiving it.

Notice of Allegation

Prior to the start of the investigation, the Title IX Coordinator will provide notice of the allegation(s) of Prohibited Conduct, including sufficient information known at the time. Sufficient information includes the identities of the parties involved, the conduct alleged to constitute sex discrimination, and the dates and locations of the alleged incident(s). The parties will receive notification of additional allegations or changes to the allegations as appropriate. The notice of allegation will also contain a statement that retaliation is prohibited and a statement that the parties are entitled to an equal opportunity to access the relevant evidence.

For complaints of sex-based harassment involving student complainants or student respondents, the notice of allegation will be in writing and will also include a presumption of not responsible, the right to an advisor of their choice, and ACC's prohibition on knowingly making false statements.

Throughout the grievance procedures, the Title IX Coordinator will provide to a party whose participation is invited or expected, notice of the date, time, location, participants, and purpose of any meetings or proceedings.

Dismissal of Complaints

If at any time it is determined that the conduct, even if proven, would not constitute sex discrimination as defined in this policy, the complaint may be dismissed or referred to another office for review. A complaint may also be dismissed if ACC is unable to identify the respondent after taking reasonable steps to do so or if the respondent is not a student, employee, or otherwise participating in ACC's educational programs or activities. A complaint may also be dismissed if a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw any or all allegations in a complaint.

The Title IX Coordinator will decide whether to dismiss a complaint based on the stated goals of this policy to address conduct that may constitute sex discrimination.

Upon dismissal, ACC will promptly notify the complainant of the basis of the dismissal. If the dismissal occurs after the respondent has received notice of the allegations, ACC will also notify the respondent of the dismissal. Any dismissal may be appealed by a party using the appeal process outlined in this policy.

When the dismissal is appealed, both parties will receive a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome.

Even if a complaint is dismissed, the Title IX Coordinator may take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur and will continue to offer supportive measures as appropriate.

Consolidation of Complaints

The Title IX Coordinator has the discretion to consolidate multiple complaints or reports into a single investigation if evidence relevant to one incident might be relevant to the others.

If a case involves alleged violations of other ACC policies, the Title IX Coordinator, in consultation with other school officials, will determine which grievance procedures to use.

Participation

American Career College expects all employees of the ACC community to cooperate fully with any resolution processes, except when they are a complainant or respondent. An employee who is also a complainant or respondent may choose whether or not to participate when they are a party to the complaint.

It is understood that there may be circumstances in which student parties wish to limit their participation. Students retain this right and will not be subject to adverse ACC actions, although ACC may be obligated to conduct an investigation despite a reluctant or non-participatory party.

If a party chooses not to participate in an investigation for any reason, the ACC process will continue with respect to the alleged complaint. The decisionmaker will not draw any adverse inference from a party's silence or stated desire to not participate.

Amnesty

In order to encourage reports of sex discrimination prohibited under this policy, ACC may offer leniency with respect to other violations which may become known as a result of such reports, depending on the circumstances involved. This includes instances of underage drinking or possession or use of a controlled substance, that is revealed in the course of such a report. The Title IX Coordinator will make the determination on behalf of ACC as to whether amnesty should apply taking into account factors such as egregiousness and risk of harm to others. Use of alcohol or drugs, however, is never a defense to violating this policy.

Time Frames

There may be circumstances that require the extension of timeframes for good cause. ACC will notify the parties in writing of any extension of the timeframes and the reason for the extension. ACC will not, however, wait for the conclusion of any other internal or external resolution process, including criminal proceedings, to begin its own investigation.

INVESTIGATIONS

Assignment to an Investigator

The Title IX Coordinator will assign one or more investigators to the case. The Title IX Coordinator may also serve as an investigator.

Investigation

ACC will provide for adequate, reliable, and impartial investigations of complaints. The burden is on ACC to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. During the investigation, the parties will have an equal opportunity to present fact witnesses and other relevant and admissible inculpatory and exculpatory evidence.

For purposes of this policy, “evidence” refers only to relevant evidence that is not otherwise impermissible, including oral and written evidence from fact witnesses. Evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred. The investigator will review all evidence gathered through the investigation and determine what evidence is relevant. The following types of evidence, and questions seeking that evidence, are impermissible and will not be accessed or considered, except by ACC to determine whether one of the exceptions listed below applies:

- a.) Evidence that is protected under a privilege recognized by Federal or State law, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality.
- b.) A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless the institution obtains that party’s or witness’s voluntary, written consent for use in its grievance procedures.
- c.) Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the

complainant's consent to the alleged sex-based harassment or preclude a determination that sex-based harassment occurred.

Parties should present evidence during the investigation; information that is otherwise available but not provided in a timely manner, will not be considered by the investigator.

ACC will take reasonable steps to protect the privacy of the parties and witnesses during the investigation; however, ACC will not restrict the ability of either party to obtain and present evidence, identify witnesses, consult with support resources, or otherwise prepare for participating in the grievance procedures.

Credibility determinations will not be made based on a person's status as a complainant, respondent, or witness. A respondent is presumed not responsible for alleged sex discrimination until a determination is made at the conclusion of a grievance procedure.

At the conclusion of the investigation, the parties, and their advisors, if applicable, will receive equal access to all relevant and permissible evidence and an opportunity to respond to the evidence per the applicable grievance procedures. The parties and advisors are prohibited from unauthorized disclosure of information and evidence obtained solely through the grievance procedures.

The investigator will seek to complete the investigation within forty-five (45) business days after receipt of the complaint.

FORMAL GRIEVANCE PROCEDURES

Assignment to a Decisionmaker and Grievance Procedure

The Title IX Coordinator will assign one or more decisionmakers to the complaint. The Title IX Coordinator or investigator may serve as a decisionmaker when permitted under this policy. A party will be given an opportunity to request the removal and replacement of a decisionmaker based on bias or conflict of interest. Any request for a change in a decisionmaker must be accompanied by supporting information. The decision to grant such a request is at the sole discretion of the Title IX Coordinator or assigned staff member.

ACC utilizes two grievance procedures described below. The decisionmaker is responsible for following the assigned procedures and maintaining an orderly, fair, impartial, and respectful process. Any and all institutional meetings are closed to the public.

The grievance procedure that will be utilized will depend on the nature of the complaint and whether or not the complaint involves students as the complainant or respondent.

TRACK ONE – GRIEVANCE PROCEDURES FOR SEX DISCRIMINATION

Track One is the grievance procedure for resolving complaints of sex discrimination *other than sex-based harassment involving student complainants or student respondents*. Track One is also be used to resolve all complaints of retaliation.

Following the investigation, the parties will be provided with an accurate description of the evidence. A party may also request access to the evidence which will be provided equitably to both parties in a manner determined by the Title IX Coordinator. Following the review, the parties will be given an equal opportunity to respond to the evidence or the description of the evidence. The decisionmaker will consider the evidence and any responses when making a determination.

The decisionmaker may pose additional questions to the parties or to witnesses in writing or individually in person if needed to adequately assess credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

For complaints of sexual assault, dating violence, domestic violence, and stalking, the complainant and respondent both have the right to an advisor of their choice, who may be, but is not required to be, an attorney.

A party may also request access to the relevant and permissible evidence which will be provided equitably to both parties in a manner determined by the Title IX Coordinator.

Determinations under Track One may not be appealed.

TRACK TWO-GRIEVANCE PROCEDURES FOR SEX-BASED HARASSMENT INVOLVING A STUDENT COMPLAINANT OR RESPONDENT

Track Two is the grievance procedure for *resolving complaints of sex-based harassment involving a student complainant or a student respondent*.

ACC will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is a) both in dispute and b) relevant to evaluating one or more allegations of sex-based harassment.

Upon the completion of the investigation, the investigator will accurately summarize the evidence in an investigative report which will be shared with the parties. The parties may submit a written response to the investigative report no later than seven (7) business days after the receipt of the report. The parties may include in their response relevant questions to be asked of the other party or witnesses. (Those questions, along with any questions requested during the one-on-one meetings as described below, are limited to those assessing credibility and relevant questions and follow-up questions that have not previously been asked and answered in the final investigative report.) Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred. The decisionmaker will determine whether the question is relevant and explain any decision to exclude a question as not relevant.

A party may also request access to the relevant and permissible evidence which will be provided equitably to both parties in a manner determined by the Title IX Coordinator.

Questioning of the parties and witnesses for proposing and asking relevant and not otherwise impermissible questions and follow-up questions must take place

consistent with the following provisions before determining whether sex-based harassment occurred. The decisionmaker for the complaint will:

- The decisionmaker will conduct individual meetings with a party or witness;
- The decisionmaker will allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness;
- The decisionmaker will provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

The complainant and respondent both have the right to an advisor of their choice, who may be, but is not required to be, an attorney.

The decisionmaker will notify the parties in writing of the date, time, and location of any meetings. Meetings may be held in person or virtually at the request of a party or the person conducting the questioning. The decisionmaker will meet with each party and witness separately.

STANDARD OF EVIDENCE

In all grievance procedures, the decisionmaker shall use a preponderance of the evidence standard to determine whether the alleged violation of the policy occurred. The preponderance of the evidence means a standard of proof in which the totality of the evidence offered in support of a fact is greater or more convincing than the evidence which is offered in opposition to it given the totality of information the version of events is more likely than not. Preponderance of the evidence is understood to require more than 50 percent certainty to determine responsibility for a policy violation (51% or greater).

WRITTEN DETERMINATION

In all grievance procedures, the complainant and respondent will simultaneously receive a written determination of whether Prohibited Conduct occurred. The determination will typically be provided within five (5) business days of the date of the hearing or the last meeting.

The written determination letter will include:

- the allegations constituting sexual harassment;
- a description of the procedural steps taken during the resolution process;
- findings of fact supporting the determination;
- conclusions regarding the application of the policy to the facts;
- a statement, and rationale for the result of each allegation including findings, sanctions, and remedies; and
- options for appeal, if any.

The determination of responsibility becomes final either on notification of the appeal's results or the date on which an appeal would no longer be considered timely. For complaints of sexual assault, dating violence, domestic violence, and stalking, a written determination letter will also be provided whenever a result changes, including when a result becomes final.

SANCTIONS AND REMEDIES

Sanctions are consequences imposed on a respondent following a determination that Prohibited Conduct occurred. Sanctions are intended to provide educational opportunities and accountability while also reducing the likelihood of future Prohibited Conduct. Sanctions may include administrative, educational, and restorative components. Some conduct, however, is so egregious in nature or so damaging to the educational environment that it requires more serious sanctions, including suspension or dismissal.

Remedies are measures provided, as appropriate, to a complainant or any other person identified as having had their equal access to the education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the ACC education program or activity after a determination that sex discrimination occurred.

Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.

If there is a finding of responsibility for a policy violation, the determination of sanctions and remedies will be made by the decisionmaker.

The following are sanctions and remedies that may be imposed, individually or in various combinations, on any **student** found in violation of the policy:

- Education/Training Requirement (as determined by the decision maker, and may result in a cost to the party sanctioned)
- Loss of Privileges
- Restitution
- Probation or Conditional Attendance (based on specific ongoing requirements being met as determined by the decision maker)
- Modification of program schedule (i.e. a change to a track or cohort)
- Loss or reassignment of clinical or externship assignment
- Restricted access to facilities or technology
- Suspension
- Expulsion

The following are sanctions and remedies which may be imposed, individually or in various combinations, on any **employee** found in violation of the policy:

- Education/Training Requirement
- Verbal warning and/or written disciplinary action
- Suspension from employment

- Failure to meet OKRs/performance metrics to be reflected in performance reviews
- Termination of employment

APPEALS

Appeals are an option for any dismissal of a complaint or for determinations of sex-based harassment involving a student complainant or a student respondent. A complainant or respondent may file a written appeal with the Title IX Coordinator. All appeals will be referred to an appeal officer.

The appeal must be on one or more of the following bases:

- a) Procedural irregularity that would change the outcome.
- b) New evidence that would change the outcome and that was not reasonably available when the determination of whether sex-based harassment occurred or dismissal was made.
- c) The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

The appeal officer will not have served as an investigator or decisionmaker for the same complaint. The deadline for filing a written appeal is three business days from the date of the written determination.

If either party files an appeal, the Title IX Coordinator will notify the other party in writing and provide both parties the opportunity to submit a written statement.

The purpose of an appeal is not to initiate a review of substantive issues. Based on the process under appeal and the ground, the appeal officer may decide to uphold the original determination or to return the case for additional proceedings or other action.

Both parties will be notified simultaneously in writing of the outcome of the appeal and the rationale for each result. The decision made on the appeal is not subject to further review or appeal.

POLICY INFORMATION

Record-Keeping and Annual Reports

American Career College will keep for at least seven (7) years the following:

- a) For each complaint of sex discrimination, records documenting the informal resolution process or the grievance procedures and the resulting outcome.
- b) All information regarding any action taken, including supportive measures, and a rationale as to why a complaint was not filed. If a complainant was not provided supportive measures, a rationale must be provided as to why supportive measures were not provided.

- c) All materials used to provide training which may be made available upon request for inspection by members of the public.

Generally, information from a student's conduct file is not released without the written consent of the student. However, certain information may be provided to individuals within or outside ACC who have a legitimate legal or educational interest in obtaining it. Please refer to ACC's privacy policy and the federal Family Educational Rights and Privacy Act of 1974 (FERPA).

Personnel files are the property of ACC and will not be shared without a subpoena.

Disability Accommodations and Interpretive Services

A "student with a disability" means a student who is an individual with a disability as defined in the Rehabilitation Act of 1973, as amended, 29 U.S.C. 705(9)(B), (20)(B). American Career College's Student Affairs determines reasonable and appropriate accommodations and auxiliary aides for access and participation in American Career College sponsored classes, services, and programs. Students with a documented disability who desire an accommodation regarding this policy must request an accommodation with the Student Affairs and inform the Title IX Coordinator that such a request has been made. The Student Affairs Office will make a determination after consultation with the Title IX Coordinator. The appropriate parties will be notified in accordance with the standard procedures.

Employees with a disability who desire an accommodation regarding this policy must request an accommodation with Human Resources.

Students or employees who require interpretive services should make the request for translation services to the Title IX Coordinator.

Revision and Interpretation

The policy is maintained by the Title IX Coordinator and covers conduct alleged to have occurred on August 1, 2024 or after. Conduct that reasonably could constitute sex discrimination that occurred prior to this date will be addressed using the policy definitions and grievance procedures in place at the time of the incident or using this policy if no applicable policy was in place.

ACC reserves the right to review and update the policy in accordance with changing legal requirements and specific needs of ACC.

Any questions of interpretation regarding the Policy shall be referred to the Title IX Coordinator. The Title IX Coordinator's determination is final.

APPENDIX A – ON AND OFF-CAMPUS RESOURCES

Off-Campus Services for Victims of Domestic Violence, Dating Violence, Sexual Assault, and/or Stalking

ACC does not offer on campus resources in health, mental health, counseling, victim advocacy, legal assistance, or visa and immigration assistance. Students should access the off-campus resources in their area of residence or use the chart below to utilize resources near campus. If you need help, contact your Campus Title IX Administrator or Safety and Security on your campus. Either of those offices can assist you with connecting with the resource you need. If you need immediate assistance, call 9-1-1.

Location - Los Angeles

LOCAL Police Department

Los Angeles Police Department - Rampart

1401 W. 6th St., Los Angeles, CA 90017
(213) 484-3400

STATE Police Department

California Highway Patrol

411 N. Central Avenue #410, Glendale, CA 91203
(818) 240-8200

Closest Emergency Room

Good Samaritan Hospital

1225 Wilshire Blvd, Los Angeles, CA 90017
(213) 977-2121

Hospital w/ SANE Services (sexual assault evidence collection services)

LAC + USC Medical Center

2051 Marengo St., Los Angeles, CA 90033
(323) 409-1000

Prosecuting Attorney's Office (Court)

Central Civil West Courthouse

600 South Commonwealth Ave., Los Angeles, CA 90005
(213) 351-8739

Where to obtain a protective order

Stanley Mosk Courthouse Restraining Order Center – Room 245

111 N. Hill St., Los Angeles, CA 90012
(213) 830-0830 Option #4

Counseling

Aetna SAP: 877-351-7889

Email: AskSAP@aetna.com
www.aetnasap.com
School ID – ACC

Health

- **Hollywood Sunset Free Clinic**
3324 W Sunset Blvd., Los Angeles, CA 90026
(323) 660-2400 or (323) 660-1408
- **Knights of Malta Free Clinic**
2222 Ocean View Ave. # 112 Los Angeles, CA 90057
(213) 384-4323
- **Aetna SAP: 877-351-7889**
Email: AskSAP@aetna.com
www.aetnasap.com
School ID - ACC

Victim Advocacy

- **Family Crisis Center**
2116 Arlington Ave. Suite 200, Los Angeles, CA 90018
(323) 737-3900
Hotline: (310) 379-3620, (310) 370-5902, (213) 745-6434,
(562) 388-7652, (213) 222-1237
- **East Los Angeles Women's Center**
1431 S. Atlantic Blvd, Los Angeles, CA 90022
Phone: (323) 526-5819 Hotline: (800) 585-6231

Legal Assistance

- **Neighborhood Legal Services of Los Angeles County**
1102 East Chevy Chase Drive, Glendale, CA 91205
Phone (818) 291-1765
<http://www.nlsla.org/>
- **Legal Aid Foundation of Los Angeles**
1550 W 8th St Los Angeles, CA 90017
(800) 399-4529
<http://www.lafla.org/index.php>

Visa & Immigration Assistance

- **Public Counsel – Immigrant's Rights Project**
610 S. Ardmore Ave., Los Angeles, CA 90031
(213) 385-2977
<http://www.publiccounsel.org/>
- **Coalition for Humane Immigrant Rights of Los Angeles, CA**
2533 W. 3rd St. Suite 101. CA 90057
Phone 213-353-1333

Mental Health

- **Center for Individual & Family Counseling**
5445 Laurel Canyon Blvd., North Hollywood, CA 91607
(818) 761-2227
- **Southern California Counseling Center**
5615 Pico Blvd., Los Angeles, CA 90019
(323) 937-1344
- **Aetna SAP: 877-351-7889**
Email: AskSAP@aetna.com
www.aetnasap.com
School ID - ACC

Rape Crisis

Peace Over Violence

1541 Wilshire Blvd, 3 FL, Los Angeles, CA 90017
(213) 955-9090
Hotline (310) 392-8381

Domestic Violence

- **Violence Intervention Program/24-Hour Domestic Violence Response Team**
1721 Griffin Ave., Los Angeles, CA 90031
Phone (323)226-2095
<https://www.violenceinterventionprogram.org/vip/>
- **National Domestic Violence Hotline**
<https://www.thehotline.org/>
Live chat on website 24/7
Call 1-800-787-3224
Text 88788

Resources for the LGBTQ community

Los Angeles LGBT Center – McDonald/Wright Building

1625 N. Schrader Blvd., Los Angeles CA 90028
(323) 993-7400

Location - Ontario

LOCAL Police Department

Ontario Police Department

2500 S. Archibald Ave, Ontario, CA 91761
(909) 395-2001

STATE Police Department

California Highway Patrol

9530 Pittsburgh Ave, Rancho Cucamonga, CA 91730

(909) 980-3994

Closest Emergency Room

Arrowhead Regional Center

400 N Pepper Ave, Colton, CA 92324

(909) 580-1000

Toll Free – (877) USE-ARMC.

Hospital w/ SANE Services (sexual assault evidence collection services)

Pomona Valley Medical Center

1798 North Garey Pomona, CA 91767

(909) 865-9500

Prosecuting Attorney's Office (Court)

San Bernardino County District Attorney

303 W. 3rd Street, 6th Floor, San Bernardino, CA 92415

(909) 382-3800

Where to obtain a Restraining Order

San Bernardino County District Attorney

303 W. 3rd Street, 6th Floor, San Bernardino, CA 92415

(909) 382-3800

Victim Advocacy

- **San Bernardino Victim Services Center**

303 West 3rd Street, 6th Floor, San Bernardino, CA 92415

(909) 382-3846

- **Rancho Cucamonga Courthouse**

8303 Haven Ave., 4th Floor Rancho Cucamonga, CA 91730

(909) 350-9764

Legal Assistance

Inland Counties Legal Services

3500 Porsche Way #200, Ontario, CA 91764

(888) 245-43257

Counseling

- **Olive Branch Counseling Centers – Rancho Cucamonga Center**

9033 Baseline Rd. Suite A, Rancho Cucamonga, CA 91730

(909) 989-9030 Ext 103

- **Aetna SAP: 877-351-7889**

Email: AskSAP@aetna.com

www.aetnasap.com

Health

- **Clinica Salud and Familia**
1019 E. Holt Ave, Pomona, CA 91767
(909) 623-7799
- **Central Urgent Medical Care**
9695 Baseline Rd, Rancho Cucamonga, CA 91730
(909) 941-0920
- **Advanced Medical and Urgent Care Center**
974 W. Foothill Blvd, Upland, CA 91786
(909) 981-2273
- **Aetna SAP: 877-351-7889**
Email: AskSAP@aetna.com
www.aetnasap.com
School ID – ACC

Mental Health

- **Phoenix Community Counseling,**
820 E. Gilbert St, San Bernardino, CA 92415
(909) 387-7200
- **Aetna SAP: 877-351-7889**
Email: AskSAP@aetna.com
www.aetnasap.com
School ID - ACC

Financial Aid

Community Action Partnership

696 S. Tippecanoe Ave, San Bernardino, CA 92415
909-723-1500

Visa & Immigration Assistance

- **Visa and Immigration Assistance- Inland Legal Services**
715 N. Arrowhead Ave Suite #113 San Bernardino, CA 92401
909-884-8615
<http://www.inlandlegal.org>
- **Coalition for Humane Immigrant Rights of San Bernardino**
330 N D St Suite 424 San Bernardino, CA 92401
(909) 475-0687
<http://www.chirla.org/>

Rape Crisis

Partners Against Violence

444 N. Arrowhead Ave # 101, San Bernardino, CA 92401
(909) 885-8884

Domestic Violence

- **Option House**
813 N D St #3 San Bernardino, CA 92401
(909) 383-1602
- **National Domestic Violence Hotline**
<https://www.thehotline.org/>
Live chat on website 24/7
Call 1-800-787-3224
Text 88788
- **Partners Against Violence**
444 N. Arrowhead Ave, # 101, San Bernardino, CA 92401
(800) 656-4673 -24 Hour Hotline

Resources for the LGBTQ community

The LGBT Community Center of The Desert

1301 N. Palm Canyon Dr. Suite 301 Floor, Palm Springs, CA 92262
(760) 416-7790

Location - Orange County

LOCAL Police Department

Anaheim Police Department

425 S. Harbor Blvd., Anaheim, CA 92805
(714) 765-1900

STATE Police Department

California Highway Patrol

13200 Goldenwest St., Westminster, CA. 92683
(714) 622-3600

Closest Emergency Room

Anaheim Regional Medical Center

1111 W. La Palma Ave., Anaheim, CA 92801
(714) 774-1450

Hospital w/ SANE Services (sexual assault evidence collection services)

Anaheim Regional Medical Center

1111 W. La Palma Ave., Anaheim, CA 92801
(714) 774-1450

Prosecuting Attorney's Office (Court)

North Orange County Courthouse

1275 N. Berkeley Ave., Fullerton, CA. 92832
(657) 622-5600

Where to obtain a Restraining Order

North Orange County Courthouse

1275 N. Berkeley Ave., Fullerton, CA. 92832
(657) 622-5600

Victim Advocacy

Community Service Programs

North Orange County Courthouse
1275 N. Berkeley Ave. 4th floor, Room 490 Fullerton, CA. 92832
(714) 834-4317

Legal Assistance

Legal Aid Society of Orange County

2101 N Tustin, Santa Ana, CA 92705
(714) 571-5200

Health

- **Amistad Medical Clinic – Anaheim**
606 S. Euclid Street, Anaheim, CA 92802
(714) 635-8570
- **Aetna SAP: 877-351-7889**
Email: AskSAP@aetna.com
www.aetnasap.com
School ID – ACC

Mental Health

- **Mental Health Association of Orange County**
1971 E. 4th Street, Suite 130A, Santa Ana, CA 92705
(714) 547-7559
- **Aetna SAP: 877-351-7889**
Email: AskSAP@aetna.com
www.aetnasap.com
School ID - ACC

Visa & Immigration Assistance

- **U.S. Citizenship and Immigration Services**
8381 La Palma Ave. #A, Buena Park, CA. 90620
800-375-5283
- **Coalition for Humane Immigrant Rights of Orange County**
32118 Paseo Adelanto #9A, San Juan Capistrano, CA 92675
(213) 353-1333
<http://www.chirla.org/>

Rape Crisis

Community Service Programs

North Orange County Courthouse
1275 N. Berkeley Ave., Fullerton, CA. 92832
(714) 957-2737

Domestic Violence

- **Human Options**
Business office - 5540 Trabuco Rd, Suite 100, Irvine, CA 92620
(877) 854-3594 – 24 Hour Hotline
- **National Domestic Violence Hotline**
<https://www.thehotline.org/>
Live chat on website 24/7
Call 1-800-787-3224
Text 88788
- **Community Service Programs**
North Orange County Courthouse
1275 N. Berkeley Ave, Fullerton, CA 92832
National Domestic Violence Hotline: (800) 799- 7233

Resources for the LGBTQ community

LGBTQ Center of Orange County

1605 N. Spurgeon St., Santa Ana, CA 92701
(714) 953-5428

APPENDIX B – EMERGENCY REMOVAL PROCESS FOR STUDENT RESPONDENTS

An interim (emergency) removal may be imposed in circumstances where the Title IX Coordinator has determined that an imminent² and serious threat to the health or safety of a complainant or any students, employees, or other persons (not including the respondent) arising from the allegations of sex discrimination³ exists. An interim removal may be an interim suspension or any necessary restriction prior to the resolution of the matter. Prior to imposing an interim removal, American Career College will undertake an individualized safety and risk analysis.

Specific criteria must be met in order to remove the respondent on an interim basis. The criteria includes but is not limited to:

- A credible threat of harm to the complainant;
- A credible threat of harm to others, excluding the respondent themselves;
- A history of serious misconduct that has resulted in the creation of a conduct history whether or not sanctions were levied or not;
- A history of domestic/interpersonal violence with the complainant alleging the allegations;
- Egregious substance abuse where there is potential harm to others;
- A mental health crisis where harm to others is determined possible.

Emergency Removal Process

The Safety and Risk Intervention team, comprised of three staff persons who are trained and appointed by the Title IX Coordinator, will assess the above criteria and make a referral to the Title IX Coordinator regarding whether or not they believe emergency removal is necessary.

- The referral must contain a written rationale that is fair and unbiased.
- The length of the emergency removal will be determined on a case-by-case basis and will be communicated to the individual forthwith.
- All decisions by this team will come with the ability for the student to challenge the removal.

Written Notice to Student

- a) The Vice President and Manager of Safety and Security will receive notice in order to assist in the facilitation of the temporary emergency removal.

² "Imminent" means happening soon; in the near future. ACC reserves the right to delay this process in the moment and defer to 9-1-1/local law enforcement response if the threat is not imminent but is an "immediate" threat to the health or safety of the campus community. If there is an immediate threat, following law enforcement response, ACC will follow this process as soon as the active threat is resolved.

³ The allegation of sex discrimination is insufficient to initiate the emergency removal process. The behavior of the respondent following receiving notice of the allegation of sex discrimination is what would necessitate evaluation for emergency removal.

- b) Written notice will then be delivered to the student's SCHOOL email account.
- c) In the event that there is an impact to the students' academic schedule or clinical assignment, the student's faculty members will be made aware that the student is being placed on temporary leave so that notifications may be made to the clinical site or internship so they may make accommodations for the student's clinical or internship assignment. (If the student is not in an internship or clinical rotation, then a notification will be made to on-campus faculty that the student is on temporary leave with no additional details.) No information will be shared beyond this, including the nature of the removal or the student's status as a respondent in a Title IX matter.
- d) Subsequently, a student's parent or legal guardian may be notified of the decision for emergency removal if deemed appropriate by the Title IX Coordinator in accordance with the requirements that rest within FERPA.

Challenge Process

Decisions by the Safety and Risk Intervention team may be challenged by the respondent by submitting a written statement to the Title IX Coordinator. The statement should be emailed and contain the rationale as to why the emergency removal should be rescinded.

The challenge statement must be received within five business days of receipt of the decision notifying the respondent of the emergency removal.

Should a respondent choose to challenge, the emergency removal will remain in effect until the completion of the challenge process and a decision is rendered.

The decision rendered on a challenge to an emergency removal is final.

APPENDIX C – PREGNANCY OR RELATED CONDITIONS: ADDITIONAL INFORMATION AND RIGHTS

ACC is committed to creating and maintaining a community free from discrimination, including discrimination on the basis of sex, as mandated by Title IX of the Education Amendments of 1972. Sex discrimination, which can include discrimination based on a student's current, potential, or past pregnancy or related conditions, is prohibited and illegal. The institution is providing this information to ensure the protection and equal treatment of pregnant or related conditions of students. Employees are also protected from pregnancy or related conditions in their employment and should contact Human Resources for support and assistance.

ACC will treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy ACC administers, operates, offers, or participates in with respect to students admitted to the institution's education program or activity.

The following are a summary of rights and options available to students who are pregnant or who have a condition that has arisen from pregnancy. Complaints regarding discrimination⁴ on the basis of pregnancy or related conditions for both students and employees will be resolved using Track One of the grievance procedures contained in this document.

Self-Identification and Employee Reporting

Students, or a person who has a legal right to act on behalf of the student, may self-identify their pregnancy⁵ or pregnancy-related condition to the Title IX Coordinator using the contact information listed in this policy to receive modifications. Students are strongly encouraged to self-report so that the student and the Title IX Coordinator can work together throughout the student's pregnancy to ensure that reasonable modifications are made and evolved as necessary based on the needs of the student.

All employees must report to the Title IX Coordinator the name and specific information reported to them by a student who has informed them of their pregnancy. The employee shall inform that pregnant student that the Title IX Coordinator can coordinate specific actions to prevent sex discrimination and ensure the student's equal access to the education program or activity.

⁴ If a pregnant or related conditions student is harassed on the basis of pregnancy, then that complaint will be resolved using Track Two grievance procedures. All employee complaints regardless of harassment or discrimination will be resolved using Track One of the grievance procedures contained in this policy.

⁵ Employees should self-report to the Title IX Coordinator as well but have additional benefits in terms of accommodations and leave benefits consistent with the Pregnant Workers Fairness Act (PWFA) and the FMLA.

Reasonable modifications

Pregnant students have the right to access the educational program and associated activities regardless of their status as pregnant and as such, will be provided with reasonable modifications if requested. Each reasonable modification must be based on the student's individualized needs. In determining what modifications are required, the Title IX Coordinator must consult with the student. A modification that the institution can demonstrate would fundamentally alter the nature of our education program or activity is not a reasonable modification.

The student has discretion to accept or decline each reasonable modification offered by the Title IX Coordinator. If a student accepts an offered reasonable modification, the Title IX Coordinator will implement it.

Reasonable modifications may include, but are not limited to, breaks during class to express breast milk or attend to health needs associated with pregnancy or related conditions, including eating, drinking, or using the restroom; intermittent absences to attend medical appointments; access to online or homebound education; changes in schedule or course sequence; extensions of time for coursework and rescheduling of tests and examinations; allowing a student to sit or stand, or carry or keep water nearby; counseling; changes in physical space or supplies (for example, access to a larger desk or a footrest); elevator access; or other changes to policies, practices, or procedures.

Comparable treatment to other temporary medical conditions

The institution shall treat pregnancy or related conditions in the same manner and under the same policies as any other temporary medical conditions with respect to any medical or hospital benefit, service, plan, or policy ACC administers, operates, offers, or participates in with respect to students admitted to ACC's education program or activity.

Voluntary access to separate and comparable portion of program or activity

The institution will allow the student to voluntarily access any separate and comparable portion of ACC's education program or activity if such a comparable portion of the program or activity is available.

Voluntary leaves of absence

ACC will allow the student to voluntarily take a leave of absence from ACC's education program or activity to cover, at minimum, the period of time deemed medically necessary by the student's licensed healthcare provider. When the student returns to the education program or activity, the student will be reinstated to the academic status and as practicable, to the extracurricular status that the student held when the voluntary leave began.

Certification to participate

ACC will not require a student who is pregnant or has related conditions to provide certification from a healthcare provider or any other person that the student is physically able to participate in ACC's class, program, or extracurricular activity unless:

- (i) The certified level of physical ability or health is necessary for participation in the class, program, or extracurricular activity; and
- (ii) ACC requires such certification of all students participating in the class, program, or extracurricular activity; and
- (iii) The information obtained is not used as a basis for discrimination prohibited by law.

Lactation space

ACC has a lactation space, which is a space other than a bathroom, which is clean, shielded from view, free from intrusion from others, and may be used by a student for expressing breast milk as permitted by ACC. Information regarding the lactation space may be obtained from Student Affairs. Students may also contact the Title IX Coordinator for more information on lactation.

Limitation on supporting documentation

ACC will not require supporting documentation unless the documentation is necessary and reasonable for ACC to determine the reasonable modifications to make or whether to take additional specific actions. Examples of situations when requiring supporting documentation is not necessary and reasonable include, but are not limited to, when the student's need for a specific action is obvious, such as when a student who is pregnant needs a bigger uniform; when the student has previously provided ACC with sufficient supporting documentation; when the reasonable modification because of pregnancy or related conditions at issue is allowing a student to carry or keep water nearby and drink, use a bigger desk, sit or stand, or take breaks to eat, drink, or use the restroom; when the student has lactation needs; or when the specific action is available to students for reasons other than pregnancy or related conditions without submitting supporting documentation.

Prohibition on Retaliation

Faculty, staff, and other ACC employees are prohibited from interfering with a student taking leave, seeking reasonable modifications, or otherwise exercising their rights under this Policy. Faculty, staff, and other ACC employees are prohibited from retaliating against a student for exercising the rights articulated by this document, including imposing or threatening to impose negative educational or other outcomes because a student requests leave, modifications, files a complaint, or otherwise exercises their rights under Title IX.