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2020

STUDENT MISCONDUCT

Mission Statement: To inspire its students by creating and maintaining a student-centered occupational environment which culminates in gainful employment.



THE CAMPUS SEXUAL VIOLENCE ELIMINATION ACT (SAVE)

The Campus Sexual Violence Elimination Act amends the *Clery Act* to encourage greater transparency and adds additional requirements for institutions to address and prevent sexual violence on campus. Campus SAVE is enforced by the U.S. Department of Education's Office for Civil Rights and applies to all colleges and universities that receive federal funding, including student financial aid.

DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, STOCKING AWARENESS

MBC will not tolerate domestic violence, dating violence, sexual assault or stocking of any kind.

Domestic Violence means a felony or misdemeanor crime of violence committed by

- Current of former spouse or intimate partner of the victim
- A person who shares a child in common
- A person who in cohabitating with or has cohabitated with the victim as a spouse or intimate partner
- A person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA)
- Any other person against an adult or youth victim who is protected from that person's acts under the domestic family violence laws of the jurisdiction

TITLE IX AND VIOLENCE AGAINST WOMEN ACT (VAWA) POLICIES

Title IX prohibits discrimination on the basis of sex (gender) in educational programs and activities receiving federal financial assistance.

Midwest Barber College is committed to providing an environment free of discrimination on the basis of sex (gender), including sexual harassment, sexual misconduct, sexual assault, relationship (dating and domestic) violence, and stalking.

MBC provides resources and reporting options to students, faculty, and staff to address concerns related to sexual harassment and sexual violence prohibited by Title IX and academy policy

Dating Violence means violence committed by a person

- That has been in a social relationship of a romantic or intimate nature with the victim
- Where the existence of such a relationship shall be determined based on a consideration of:
 - o The length of the relationship
 - o The type of relationship
 - o Frequency of interaction between the persons in the relationship



STALKING

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

- Fear for his/her safety or the safety of others
- Suffer substantial emotional distress

Sexual assault is a general term that includes a variety of actions: rape, acquaintance rape, forcible and non-forcible sex offenses. Consent cannot be given while intoxicated or medicated since these states inhibit an aware state of mind.

REPORTING REQUIREMENTS

The Jeanne Clery Disclosure of Campus Security Policy and Campus Statistics Act (formerly the Campus Security Act) requires that all college officials with significant responsibility for campus and student activities report any incident of alleged domestic violence, dating violence, sexual assault and stalking. Survivors must be apprised immediately of this requirement.

- If the survivor does not wish to be identified a third-party report that does not include the survivor's name may be made.
- While it is the final choice of the survivor to make decisions regarding his/her course of action, MBC strongly encourages survivors to make a full report to the Director to ensure that all resources can be made available as well as maintain the widest range of options to pursue adjudication of the incident.

REPORTING PROTOCOL

- Assault on campus should be reported to the Director immediately
- Assault off campus should be reported in the jurisdiction where the incident occurred. Upon request MBC officials will assist students, staff and faculty in completing a police report.
- Individuals should immediately obtain medical treatment at the hospital for injuries, sexually transmitted diseases and pregnancy. An exam preserves evidence of rape for use in court however, the exam must be performed as quickly as possible. Be advised to preserve as much evidence as possible do not eat, drink, smoke, bathe, shower, douche or urinate.
- Any student and/or employee who believes they are subjected to assault or have witnessed an assault should report the incident to the Director immediately.
- Reports will be considered confidential unless further action is required. Retaliation of any type is prohibited against any student or employee filing a harassment complaint.

ACTION/NOTIFICATION

- Violations of local, state or federal laws that occur within the school appropriate legal action will be through local law enforcement.
- MBC does not sponsor on campus counseling, mental health or other student services for victims of violent acts or assault. MBC will inform victims of off campus counseling, mental health or other services for victims.



REPORTING ABUSE OR ASSAULT:

Kansas Coalition Against Sexual & Domestic Violence

634 SW Harrison ST
Topeka, KS 66603
785-232-9784

Family Service & Guidance Center

325 SW Frazier AVE
Topeka, KS 66606
785-232-5005

Child/Adult Abuse Hotline

1-800-922-5330
Topeka, KS

Kansas Department for Children and Families

500 SW Van Buren ST
Topeka, KS 66603
785-296-2500

Topeka Police Department

320 S Kansas AVE #100
Topeka, KS 66603
785-368-9551

- Proceedings shall provide a prompt, fair and impartial investigation and solution and will be performed by campus Director.
- The accuser and the accused are entitled to the same opportunities to have others present during disciplinary proceedings.
- MBC will change a victim's academic situation after and alleged offense. Modifications may include modification of course sequence or session.
- Should the charge be confirmed, the Director will pursue appropriate disciplinary action. Possible action may include, but not limited to reprimand, suspension or expulsion of the offender based on the seriousness of the offense. If there is a strong indication of unacceptable behavior but not convincing proof a written warning will be issued to the accused party and documentation of the compliant and investigation placed in the student or employee file.
- The accuser and the accused with both be informed of the outcome of any disciplinary action(s) regarding an alleged offense at the same time.
- The outcome of a disciplinary action means only MBC's final determination with respect to the alleged offense and any punishment that is imposed against the accused.
- Student, faculty or staff that is found to be responsible for violating this policy following a final determination of MBC's disciplinary proceeding in regards to domestic violence, dating violence, rape, acquaintance rape or other forceable or non-forceable sexual assault or stalking is subject to reprimand including but not limited to warning, suspension and permanent dismissal.
- After completing an investigation, if no substantial proof of assault is evident no further action will be taken.



SEXUAL HARASSMENT

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct or other verbal or physical conduct of a sexual nature:

- Submission is made a term or condition, explicitly or implicitly of obtaining an academic or employee advancement.
- Submission to or rejection being used as a factor in decisions affecting education or employment.
- The conduct or communication has the purpose or effect of substantially or unreasonably interfering with someone's position or creating and intimidating, hostile or offensive environment.

Sexual harassment includes but not limited to:

- Verbal harassment of a sexual nature or abuse.
- Pressure for sexual activity.
- Sexually motivated or inappropriate patting, pinching or physical contact.
- Sexual behavior or words including demands for sexual favors or threats about a person's position.
- Behavior either written or verbal including symbols directed at a person based on gender.
- Use of authority to emphasize the sexuality of a student which prevents the student full enjoyment of education benefits, atmosphere or opportunities.

Harassment based on disability is defined as any verbal or physical conduct related to an individual's physical or mental impairment.

UNWELCOME HARASSMENT BASED ON DISABILITY OCCURS:

- When conduct is severe, persistent or pervasive and effect's a student or employee's ability to participate in or benefit from the educational program, work environment or activity and/or creates an intimidating, threatening or abusive environment.
- The conduct has the purpose or effect of substantially of interfering with a person's work or academic performance.
- The conduct adversely effects an individual's learning opportunities.



EXAMPLES OF CONDUCT THAT COULD CONSTITUTE HARASSMENT BECAUSE OF DISABILITY INCLUDE BUT ARE NOT LIMITED TO ARE:

- Graffiti containing offensive language derogatory to physical or mental disability.
- Threatening and/or intimidating conduct directed to another person due to physical or mental disability.
- Jokes, rumors and/or name calling due to a person's physical or mental disability.
- Slurs, negative stereotypes and hostile acts based on physical or mental disability.
- Graphic material consisting of comments or stereotypes posted or circulated and aimed at degrading people or members of protected classes.
- A physical act of aggression or assault based on a person's physical or mental disability.
- Types of aggressive conduct such as theft and/or damage to property motivated by the person's physical or mental disability.

REPORTING PROCEDURES

Students and employees who believe they have been subjected to harassment or have witnessed harassment should report to the Director immediately. Reports will be confidential unless further action is needed to be taken. Retaliation of any kind against student's or employees filing a complaint is prohibited.

INVESTIGATION

The Director and one (1) another person (male or female) will meet with the complainant immediately. This meeting will be performed objectively in a sensitive and non-accusatory manner to establish the facts. The accused party will be interviewed along with any other parties referred by the accused/complainant as having knowledge of the situation. All persons will be cautioned as to their personal responsibility to maintain strict confidentiality of the compliant. The investigation will take place by communication of both compliant and accused.

Three (3) courses of action will be taken

1. Investigation
2. Determination
3. Notification

Employees and students questioned in the course of the investigation, including the complainant will not be adversely affected until a decision or result of their participation in the investigation has been determined.



ACTION/NOTIFICATION

If the charges are substantiated, MBC's Director will pursue appropriate disciplinary action. Possible action may include, but not limited to, reprimand, transfer, suspension or permanent dismissal of the offender based on the seriousness of the offense. If there is strong indication of inappropriate behavior but no conclusive proof, a verbal warning will be issued to the accused party and notification documentation of the complaint and investigation placed in the employee or student file. After completion of an investigation, no confirmed proof of harassment is apparent, no further action will be taken.

Copies of all complaints of harassment and investigations conducted will be maintained for a period of two (2) years at the main administrative office. The Director will follow up to ensure no further offenses occur and that the complainant is subjected to retaliation.

POLICY ADDRESSING SEX OFFENDER REGISTRATION

In accordance to Campus Sex Crimes Prevention Act of 2000, which amends The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, The Jeanne Clery Act and The Family Educational Rights and Privacy Act of 1974 and the Kansas Bureau of Investigation are providing links to the Kansas Sex Offender Registries.

These Acts require institutions of higher education to issue a statement advising the campus community where law enforcement information by a state concerning registered sex offenders may be obtained.

Sex offenders are required to register in a state to provide notice to each institution of higher education in the state at which the person is employed, carries a vacation or is a student.

In Topeka Kansas convicted sex offenders must register with the Sex Offender Registry. Registry information provided under this section shall be used for the purposes of the administration of criminal justice, screening of current or prospective employees, volunteers or otherwise for the protection of the public in general and children.

Unlawful use of the information for the purpose of intimidating or harassing another is prohibited and willful violation shall be punished with a Class 1 misdemeanor.

Kansas Bureau of Investigation: <http://www.kbi.ks.gov/registeredoffender/>



DISCIPLINARY ACTIONS

Any person that violates the School Policy Prohibiting Crime, Sexual Assault & Harassment as well as Drugs & Alcohol will be disciplined up to and including termination. If an incident occurs requiring a disciplinary action by the institution the Director may document the action in a crime log.

Disciplinary actions noted in the crime log are included in the Annual Security Report published each year to comply with the *Jeanne Cleary disclosure of Campus Security Policy and Crime Statistics Act*. Depending on the violation(s) the individual may be referred to Law Enforcement. Student reinstatement after termination will require reapplication and demonstration that all violations have been corrected. Students may be required to participate in a substance abuse rehabilitation program approved for purposed by a federal, state, local health department, law enforcement or other appropriate agency before being allowed to return. MBC will work closely with law enforcement, state approved counseling and/or rehabilitation agencies. Employees in violation of this regulation will be permanently terminated.

COUNSELING AND TREATMENT HOTLINES AND RESOURCES

Sims-Kemper

1701 SW Medford Ave
785-233-0666

Alcoholics Anonymous

2100 SW Central Park Ave
785-235-2226

Alcohol Information & Treatment Prevention & Recovery Services

2209 SW 29th ST
785-266-8666

Al-Anon/Alateen

813 SW 6th Ave
785-357-8725

KANSAS COALITION AGAINST SEXUAL & DOMESTIC VIOLENCE

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