

**HEADLINES ACADEMY, Inc.**

**SEXUAL MISCONDUCT POLICY  
&  
PROCEDURES FOR RESPONDING TO  
SEXUAL MISCONDUCT**

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# **HEADLINES ACADEMY, Inc.**

## **CAMPUS SEXUAL MISCONDUCT POLICIES**

### **1. Introduction**

The Headlines Academy, Inc. is committed to providing a working and educational environment for all students, faculty and staff that is free from sex discrimination, including sexual misconduct. Every member of the Headlines Academy community should be aware that the school is strongly opposed to sexual misconduct, and that such behavior is prohibited by state and federal laws.

As part of Headlines Academy's commitment to providing a working and learning environment free from sexual misconduct, this Policy shall be disseminated widely to the school community through publications, the school website, new employee orientations, student orientations, and other appropriate channels of communication. Headlines Academy provides training to key staff members to enable the school to handle any allegations of sexual misconduct promptly and effectively. Headlines Academy will respond quickly to all reports of sexual harassment, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

### **2. Scope of the Policy**

This Policy governs sexual misconduct involving students that occurs on any Headlines Academy property or in connection with any school-sponsored program or event. This Policy applies to all students, employees, and third parties conducting business with Headlines Academy, regardless of the person's gender, gender identity, sexual orientation, age, race, nationality, class status, ability, religion or other protected status. Headlines Academy encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the school can respond appropriately. As further described in this Policy, Headlines Academy will seek to respect a victim's request for confidentiality to the extent possible, while remaining ever mindful of the victim's well-being.

### **3. Prohibited Conduct**

Sexual misconduct comprises a broad range of behaviors focused on sex that may or may not be sexual in nature. Any intercourse or other intentional sexual touching or activity without the other person's consent is sexual assault, which is a form of sexual misconduct under this Policy. Sexual harassment and sexual exploitation, stalking, domestic violence, and dating violence are also forms of sexual misconduct. Intimidation for one of these purposes is sexual misconduct, as is retaliation following an incident of alleged sexual misconduct or attempted sexual misconduct. The definitions for specific acts of sexual misconduct can be found in the Definitions of Key Terms at the end of this Policy statement.

Misconduct can occur between strangers or acquaintances, or people who know each other well, including between people involved in an intimate or sexual relationship, can be committed by anyone regardless of gender identity, and can occur between people of the same or different sex or gender. This Policy prohibits all forms of sexual misconduct.

#### **4. Options for Assistance Following an Incident of Sexual Misconduct**

Headlines Academy strongly encourages any victim of sexual misconduct to seek immediate assistance. Seeking prompt assistance may be important to ensure a victim's physical safety or to obtain medical care. Headlines Academy strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation.

#### **Reporting Incidents of Sexual Misconduct**

Victims of sexual misconduct may file a report with the Rapid City Police Department. Victims may also file a report with the Title IX Coordinator for their respective campus. More information about reporting an incident of sexual misconduct can be found in Section 6 of this Policy, below.

The victim of the sexual assault may choose for the investigation to be pursued through the criminal justice system and Headlines Academy's disciplinary procedures. The school and the criminal justice system work independently from each other. Law enforcement officers do not determine whether a violation of this Policy has occurred. The campus Title IX Coordinator will guide the victim through the available options and support the victim in his or her decision.

#### **Support Services Available**

Counseling, advocacy and support services are available for victims of sexual misconduct, whether or not a victim chooses to make an official report or participate in the school's disciplinary or criminal process. Headlines Academy does not provide counseling or health care services. Personal counseling offered by Headlines Academy will be limited to initial crisis assessment and referral.

Sexual misconduct crisis, professional assistance and counseling options are available locally and nationally through a number of agencies, including:

#### National Resources:

National Sexual Assault Hotline – 800-656-4673

National Domestic Violence Hotline – 800-799-7233

#### Local Resources (Rapid City):

Working Against Violence, Inc. (WAVI)

Hotline: 888-716-9284

Hotline: (605-341-4808)

#### Crisis Intervention Shelter Service, Inc

Sturgis, SD

Hotline: 8007558432

Hotline: 6053470050

Phone: 6053470050

Women Escaping A Violent Environment Inc. (WEAVE)

Custer, SD

Hotline: 800-424-3574

Hotline: 605-673-4357

Phone: 605-673-4357

Health Care Services:

Rapid City Regional Health

353 Fairmont Blvd 605-755-1000

Regional Behavioral Health Center

915 Mountain View Road 605-755-7200

Regional Urgent Care

2116 Jackson Blvd

408 Knollwood Dr.

605-755-2273

Planned Parenthood

Rapid City, SD

619 Mountain View Rd, Rapid City, SD 57702

800-230-7526

The campus Title IX Coordinator will work with all students affected by sexual misconduct to ensure their safety and support their wellbeing. This assistance may include providing accommodations to support or protect a student after an incident of sexual misconduct and while an investigation or disciplinary proceeding is pending. Such accommodations may include the ability to alter class schedules, withdraw from/retake a class without penalty, and access academic support (e.g., tutoring). Headlines Academy may be able to provide additional interim measures to victims while an investigation is pending, such as no contact orders and changing the alleged perpetrator's class schedule.

**5. Title IX Coordinator**

The campus Title IX Coordinator is responsible for monitoring and overseeing Headlines Academy's compliance with Title IX and the prevention of sex harassment, sexual misconduct and discrimination. The Title IX Coordinator is:

- Knowledgeable and trained in Headlines Academy policies and procedures and relevant state and federal laws;
- Available to advise any individual, including a complainant, respondent, or a third party, about Headlines Academy and community resources and reporting options;
- Available to provide assistance to any Headlines Academy employee regarding how to respond appropriately to a report of Title IX-related prohibited conduct and related retaliation;
- Participates in ensuring the effective implementation of this Policy, including monitoring compliance with all procedural requirements, record keeping, and timeframes; and
- Responsible for overseeing training, prevention, and education efforts and annual reviews of climate and culture.

Inquiries or concerns about Title IX may be referred to the campus Title IX Coordinator:

## **6. Reporting Policies and Protocols**

Headlines Academy strongly encourages all members of the school community to report information about any incident of sexual misconduct as soon as possible, whether the incident occurred on or off campus. Reports can be made either to the school and/or to law enforcement.

### **Reporting to the Institute**

An incident of sexual misconduct may be reported directly to the campus Title IX Coordinator. If the campus Title IX Coordinator is the alleged perpetrator of the sexual misconduct, the report should be submitted to the Headlines Academy President. Filing a report with a school official will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

An individual who has experienced an incident of sexual misconduct may report the incident at any time, regardless of how much time has elapsed since the incident occurred. Headlines Academy is committed to supporting the rights of a person reporting an incident of sexual misconduct to make an informed choice among options and services available.

Headlines Academy will respond to all reports in a manner that treats each individual with dignity and respect and will take prompt responsive action to end any misconduct, prevent its recurrence, and address its effects.

### **Reporting to Law Enforcement**

An incident of sexual misconduct can be reported to law enforcement at any time, 24 hours a day/7 days a week, by calling 911. At the complainant's request, Headlines Academy will assist the complainant in contacting law enforcement. If the complainant decides to pursue the criminal process, the school will cooperate with law enforcement agencies to the extent permitted by law. A complainant has the option to decide whether or not to participate in any investigation conducted by law enforcement. Filing a police report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and tests
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam)
- Assure the victim has a referral to confidential counseling from counselors specifically trained in the area of sexual assault.

### **Reporting of Crimes & Annual Security Reports**

Campus safety and security are important issues at Headlines Academy. Our goal is to provide students with a safe environment in which to learn and to keep students, parents, and employees well informed about campus security. The Jeanne Cleary Disclosure of Campus Security Policy and Campus Crime Statistics Act, or Cleary Act, requires institutions of higher education to record and report certain information about campus safety, including the number of incidents of certain crimes on or near campus, some of which constitute sexual misconduct under this Policy.

Each year Headlines Academy prepares this report to comply with the Cleary Act. The full text of this report can be located on the school's web site at [www.headlinesacademy.com](http://www.headlinesacademy.com). This report is prepared in cooperation with the local law enforcement agencies around our campus. Each year a notification is made to all enrolled students and employees that provides the web site address to access this report. Copies of the report may also be obtained in person from the Campus Director or by calling 605-348-4247. All prospective employees may obtain a copy from the Campus

Director.

### **Timely Warnings**

In the event that a situation arises, either on or off campus, that, in the judgment of the Campus Director constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the most effective and efficient means available and may include instant messaging to students and Headlines Academy employees. Notices may also be posted in the common areas throughout the school. Anyone with information warranting a timely warning should report the circumstances to the Campus Director by phone at 605-348-4247 or in person at the school.

### **Third-Party and Anonymous Reporting**

In cases where sexual misconduct is reported to the Title IX Coordinator by someone other than the complainant (by an instructor, classmate or friend, for example), the Title IX Coordinator will promptly notify the complainant that a report has been received. The Policy and the Procedures will apply in the same manner as if the complainant had made the initial report. The Title IX Coordinator will make every effort to meet with the complainant to discuss available options and resources. Reports from an anonymous source will be treated in a similar fashion.

### **No Retaliation**

Headlines Academy prohibits retaliation against those who file a complaint or third-party report, or otherwise participate in the investigative and/or disciplinary process (e.g., as a witness). The school will take strong responsive action if retaliation occurs. Any incident of retaliation should be promptly reported to the Title IX Coordinator or the Headlines Academy’s President.

### **Coordination With Drug Free School Policy**

Students may be reluctant to report instances of sexual misconduct because they fear being disciplined pursuant to the Headlines Academy’s alcohol or drug policies. Headlines Academy encourages students to report all instances of sexual misconduct and will take into consideration the importance of reporting sexual misconduct in addressing violations of the school’s alcohol and drug policies. This means that, whenever possible, Headlines Academy will respond educationally rather than punitively to student alcohol or drug policy violations associated with reported sexual misconduct.

## **7. School Policy on Confidentiality**

Headlines Academy encourages victims of sexual misconduct to talk to somebody about what happened – so victims can get the support they need, and so the school can respond appropriately.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual misconduct. Headlines Academy encourages victims to talk to someone identified in one or more of these groups.

### **Privileged and Confidential Communications – Professional & Pastoral Counselors**

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim’s permission. Headlines Academy does not provide professional or pastoral counseling, but can assist a victim of sexual misconduct in obtaining support services from these groups or agencies. Contact information for these support organizations is listed in Section 4 of this Policy.

A victim who at first requests confidentiality may later decide to file a complaint with Headlines

Academy or report the incident to local law enforcement, and thus have the incident fully investigated.

NOTE: While these professional and pastoral counselors and advocates may maintain a victim's confidentiality vis-à-vis Headlines Academy, they may have reporting or other obligations under state law.

ALSO NOTE: If Headlines Academy determines that the alleged perpetrator(s) pose a serious and immediate threat to the school community, the Campus Director may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

### **Reporting to Title IX Coordinator**

When a victim tells the Title IX Coordinator about an incident of sexual misconduct, the victim has the right to expect Headlines Academy to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

To the extent possible, information reported to the Title IX Coordinator will be shared only with people responsible for handling the school's response to the report. The Title IX Coordinator should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

Before a victim reveals any information to the Title IX Coordinator, the Coordinator should ensure that the victim understands the Coordinator's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources. If the victim wants to tell the Title IX Coordinator what happened but also maintain confidentiality, the Coordinator should tell the victim that Headlines Academy will consider the request, but cannot guarantee that the school will be able to honor it.

The Title IX Coordinator will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for Headlines Academy to fully investigate an incident. By the same token, the Title IX Coordinator will not pressure a victim to make a full report if the victim is not ready to.

### **Requesting Confidentiality From Headlines Academy: How the School Will Weigh the Request and Respond.**

If a victim discloses an incident to the Title IX Coordinator but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, Headlines Academy must weigh that request against the school's obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If Headlines Academy honors the request for confidentiality, a victim must understand that the school's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when Headlines Academy may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students.

The Title IX Coordinator will evaluate requests for confidentiality. When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual misconduct or other violence, such as:
  - Whether there have been other sexual misconduct complaints about the same alleged perpetrator;
  - Whether the alleged perpetrator has a history of arrests or records from a prior



- school indicating a history of violence;
- Whether the alleged perpetrator threatened further sexual misconduct or other violence against the victim or others;
- Whether the sexual misconduct was committed by multiple perpetrators;
- Whether the sexual misconduct was perpetrated with a weapon;
- Whether the victim is a minor;
- Whether Headlines Academy possesses other means to obtain relevant evidence of the sexual misconduct (e.g., security cameras or personnel, physical evidence);
- Whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead Headlines Academy to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the school will likely respect the victim's request for confidentiality.

If Headlines Academy determines that it cannot maintain a victim's confidentiality, the school will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the school's response. Headlines Academy will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or school employees, will not be tolerated. Headlines Academy will also:

- Assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance;
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- Inform the victim of the right to report a crime to local law enforcement – and provide the victim with assistance if the victim wishes to do so.

Headlines Academy may not require a victim to participate in any investigation or disciplinary proceeding.

Because Headlines Academy is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the school to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/ victimization surveys; and/or revisiting its policies and practices.

If Headlines Academy determines that it can respect a victim's request for confidentiality, the school will also take immediate action as necessary to protect and assist the victim.

### **Miscellaneous**

Take Back the Night and other public awareness events. Public awareness events such as "Take Back the Night," the Clothesline Project, candlelight vigils, protests, "survivor speak outs" or other forums in which students disclose incidents of sexual violence, are not considered notice to Headlines Academy of sexual misconduct for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts.

Off-campus Counselors and Advocates. Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with Headlines Academy unless the victim requests the disclosure and signs a consent or waiver form. Contact information for these off-campus resources can be found in Section 4 of this Policy.

## **8. Investigation Procedures and Protocols**

The Title IX Coordinator oversees the Institute's investigation, response to, and resolution of all reports of prohibited sexual misconduct, and of related retaliation, involving students, faculty, and staff. The Title IX Coordinator will designate a specially trained investigator (or team of investigators) to interview the complainant, respondent and any witnesses. The investigator will also gather pertinent documentary materials (if any) and other information.

### **Notice of Investigation**

The Title IX Coordinator will inform the complainant before starting an investigation. The complainant may request that an investigation not be undertaken. The Title IX Coordinator will consider such a request in light of Headlines Academy's commitment to provide a safe and non-discriminatory environment for all students. If the Title IX Coordinator determines not to investigate, she will notify the complainant in writing, including that the determination was made at the complainant's request. At the complainant's request, the Title IX Coordinator will also notify the respondent in writing, including that the complainant asked Headlines Academy not to investigate.

The investigator will direct the complainant, respondent, witnesses and other interested individuals to preserve any relevant evidence.

If an investigation proceeds, Headlines Academy will notify the respondent in writing that a report has been filed. The notice will describe the allegations in the report. The complainant and respondent will be given the opportunity to meet separately with the Title IX Coordinator to review the Policy and these Procedures.

### **Investigation Process**

Headlines Academy's process for responding to, investigating and adjudicating sexual misconduct reports will continue during any law enforcement proceeding. The investigator may need to temporarily delay an investigation while the police are gathering evidence but will resume the investigation after learning that the police department has completed its evidence-gathering and will generally not wait for the conclusion of any related criminal proceeding.

The investigator will interview the complainant, respondent and any witnesses. They will also gather pertinent documentary materials (if any) and other information.

### **Investigation Report**

The investigator will prepare a report detailing the relevant content from the interviews and the documentation gathered. The report will include the assessment of individual credibility and recommended findings of responsibility.

The respondent and complainant will each have the opportunity to review a copy of the investigative report and any other information that will be used during the disciplinary proceedings. The names and other identifying information of other students will be redacted from such materials in accordance with the Family Educational Rights and Privacy Act (FERPA), except to the extent that doing so would interfere with the purpose of Title IX to eliminate sex-based discrimination. The Title IX Coordinator will supervise this review and ensure that reasonable time is afforded for review prior to the hearing.

### **Time Frame for Investigation**

Consistent with the goal to maximize educational opportunities and minimize the disruptive nature of the investigation and resolution, the Title IX Coordinator seeks to resolve all reports in a timely manner. In general, an investigation may last up to 30 days, from receipt of written notice from the complainant of the intent to proceed with an investigation. Adjudication will generally take up to 30 days from the date the investigative report is provided to both the complainant and

the respondent. The Title IX Coordinator may set reasonable time frames for required actions under the Policy. Those time frames may be extended for good cause as necessary to ensure the integrity and completeness of the investigation, comply with a request by external law enforcement, accommodate the availability of witnesses, accommodate delays by the parties, account for school breaks or vacations, or address other legitimate reasons, including the complexity of the investigation (including the number of witnesses and volume of information provided by the parties) and the severity and extent of the alleged conduct. Any extension of the timeframes, and the reason for the extension, will be shared with the parties in writing. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

Where necessary, Headlines Academy will take immediate steps to protect complainants pending the final outcome of an investigation, including academic accommodations and other interim measures. These steps may include the ability to change class schedules; withdraw from/retake a class without penalty; access academic support such as tutoring; issue no contact orders; and change the alleged perpetrator's class schedule.

### **Impact of Victim's Confidentiality Request**

A victim's requests for confidentiality will likely limit Headlines Academy's ability to investigate a particular matter. The school may take steps to limit the effects of the alleged sexual misconduct and prevent its recurrence without initiating formal action against the alleged perpetrator or revealing the identity of the student complainant. Examples include: providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; providing training and education materials for students and employees; revising and publicizing Headlines Academy's policies on sexual misconduct; and conducting climate surveys regarding sexual misconduct.

### **Voluntary Resolution**

Voluntary resolution, when selected by the complainant and deemed appropriate by the Title IX Coordinator, is a path designed to eliminate the conduct at issue, prevent its recurrence, and remedy its effects in a manner that meets the expressed preference of the complainant and the safety and welfare of the Headlines Academy community. Voluntary resolution is not appropriate for all forms of conduct under the Policy.

Headlines Academy retains the discretion to determine, when selected by the complainant, which cases are appropriate for voluntary resolution. If a complainant requests voluntary resolution, and the Title IX Coordinator concludes that voluntary resolution is appropriate, then the Title IX Coordinator will take appropriate action by imposing remedies designed to maximize the complainant's access to all employment, educational, and extracurricular opportunities and benefits at the school and to eliminate a potential hostile environment. A complainant may request and decide to pursue voluntary resolution at any time. In those cases in which the voluntary resolution involves either the notification to or participation by the respondent, it is the respondent's decision whether to accept voluntary resolution.

Voluntary resolution may include: conducting targeted or broad-based educational programming or training for relevant individuals or groups; providing increased monitoring, supervision, or security at locations or activities where the misconduct occurred; facilitating a meeting with the respondent with the complainant present (in cases that do not involve sexual assault); and any other remedy that can be tailored to the involved individuals to achieve the goals of the Policy. In some forms of voluntary resolution, the remedies imposed will focus on supporting the complainant with no participation or involvement by the respondent. In other forms of voluntary resolution, the respondent may agree to participate. Depending on the type of remedy used, it may be possible for a complainant to maintain anonymity.

Voluntary resolution may also include restorative principles that are designed to allow a

respondent to accept responsibility for misconduct and acknowledge harm to the complainant or to the Headlines Academy community. Restorative models will be used only with the consent of both parties, and following a determination by the Title IX Coordinator that the matter is appropriate for a restorative approach.

Headlines Academy will not compel a complainant to engage in mediation, to confront directly the respondent, or to participate in any particular form of informal resolution. Mediation, even if voluntary, is never appropriate in sexual assault cases and will not be used in such cases. As the title implies, participation in voluntary resolution is a choice, and either party can request to end this manner of resolution and pursue an investigation and adjudication at any time, including if voluntary resolution is unsuccessful at resolving the report. Similarly, a complainant can request to end an investigation and pursue voluntary resolution at any time.

The time frame for completion of voluntary resolution may vary, but Headlines Academy will seek to complete the process within 15 days of the complainant's request.

## **9. Grievance/Adjudication Procedures**

### **Hearing Panel**

If voluntary resolution is not available, Headlines Academy will convene a hearing panel following the end of the investigation. The hearing panel determines whether the respondent is responsible or not responsible for a violation of the Policy. If the respondent is determined to be responsible, the matter proceeds to the sanctions stage.

The hearing panel will generally include the Title IX Coordinator and two additional members who will be individuals associated with Headlines Academy. These additional hearing panel members may include administrators, officers, lawyers or other individuals with relevant experience and special training. Panel members may participate remotely so long as the hearing room is equipped with telephone equipment that allows the panel member to hear all the participants and to be heard by all the participants throughout the hearing proceedings. All panelists will receive training from experts in the field at least once a year. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual misconduct. The complainant and respondent will be informed of the panel's membership before the hearing process begins.

### **Advisors**

Both the complainant and the respondent are entitled to be accompanied to any meeting or proceeding relating to the allegation of sexual misconduct by an advisor or support person of their choice, provided the involvement of such advisor or support person does not result in the postponement or delay of such meeting as scheduled.

### **Written Submissions**

Both the complainant and respondent will have the opportunity to submit written responses to the investigation report and other relevant information to the hearing panel. Each of the complainant and respondent will have the opportunity to review any written submissions by the other. The hearing panel may set reasonable parameters for these written submissions. The hearing panel will review the investigation report and written submissions.

### **Hearing Procedures**

The Title IX Coordinator will, whenever possible, give the complainant and respondent at least five days' advance notice of the hearing. The Title IX Coordinator will arrange to hold the hearing at an off-campus location. The hearing is a closed proceeding, meaning that no one other than the panel members, the complainant and respondent, their respective advisors, witnesses (when called), and necessary Headlines Academy personnel may be present during the proceeding. The Campus Director will work with school staff so that any student whose presence is required may participate in the hearing.

In general, hearings will proceed as follows:

- The Title IX Coordinator may set reasonable time limits for any part of the hearing. Each of the complainant and respondent will have the opportunity to present witnesses and other information consistent with the Policy and these Procedures. The panel may determine the relevance of, place restrictions on, or exclude any witnesses or information. When the complainant and respondent are not able to be present for the hearing panel, arrangements will be made for participation via alternate means.
- In cases where either the complainant or respondent opts not to participate in the hearing, the panel may still hear from the other.
- Additional hearing rules include:
  - Only the panel may ask questions of the complainant and respondent and any witnesses. Both the complainant and respondent will have the opportunity to suggest questions of the other and of witnesses by submitting suggested questions to the panel in writing. The panel may revise or not ask any or all submitted questions.
  - Information Regarding Romantic or Sexual History. The panel will not consider the romantic or sexual history of either the complainant or respondent in cases involving allegations of sexual misconduct, except for testimony offered by one or the other about the complainant's and respondent's shared sexual history that the panel deems relevant. If such information is offered by the complainant or respondent, the other has the right to respond. The existence of a prior consensual dating or sexual relationship between the complainant and respondent by itself does not support an inference of consent to alleged sexual misconduct.
  - Prior Conduct Violations. The hearing panel will not consider the respondent's prior conduct violations, unless the investigator provided that information to the hearing panel because the respondent was previously found to be responsible, and the previous incident was substantially similar to the present allegation(s) and/or the information indicates a pattern of behavior by the respondent.

Headlines Academy will keep an audio recording of the hearing for the use of the panel, for sanctioning, and for purposes of appeal. The panelists may request a transcript of the recording. Cell phones and recording devices may not be used in the hearing room(s) unless approved by the panel in advance.

#### **Panel Determinations/Standard of Proof**

The panel will use "preponderance of the evidence" as the standard of proof to determine whether a violation of the Policy occurred. Preponderance of the evidence means that a panel must be convinced based on the information it considers that the respondent was more likely than not to have engaged in the conduct at issue in order to find the respondent responsible for violating the Policy. The panel will find a student responsible, or not responsible, based on a majority vote. The panel will generally render a decision within 10 days after the conclusion of a hearing. The panel's decision will include an explanation of the basis for the decision. If the panel finds the respondent responsible, the matter will proceed to the sanctions stage.

#### **10. Sanctions and Other Remedies**

The Title IX Coordinator, with the advice and counsel of the other hearing panel members, shall be responsible for imposing sanctions that are:

- Fair and appropriate given the facts of the particular case;
- Consistent with Headlines Academy's handling of similar cases;
- Adequate to protect the safety of the campus community; and
- Reflective of the seriousness of sexual misconduct.

The Title IX Coordinator will consider relevant factors, including if applicable: (1) the specific sexual misconduct at issue (such as penetration, touching under clothing, touching over clothing,

unauthorized recording, etc.); (2) the circumstances accompanying the lack of consent (such as force, threat, coercion, intentional incapacitation, etc.); (3) the respondent's state of mind (intentional, knowing, bias-motivated, reckless, negligent, etc.); (4) the impact of the offense on the complainant; (5) the respondent's prior disciplinary history; (6) the safety of the Headlines Academy community; and (7) the respondent's conduct during the disciplinary process. The Title IX Coordinator will render a sanctioning decision within five days following the receipt of the panel's determination. The sanctioning decision will be communicated in writing to the complainant and the respondent.

Headlines Academy may impose any one or more of the following sanctions on a student determined to have violated the Policy:

- Reprimand/warning
- Changing the respondent's academic schedule
- Disciplinary probation
- Restricting access to Headlines Academy facilities or activities
- Community service
- Issuing a "no contact" order to the respondent or requiring that such an order remain in place
- Dismissal or restriction from Headlines Academy employment
- Suspension (limited time or indefinite)
- Expulsion

In addition to any other sanction (except where the sanction is expulsion), Headlines Academy will require any student determined to be responsible for a violation of the Policy to receive appropriate education and/or training related to the sexual misconduct violation at issue.

Headlines Academy may also recommend counseling or other support services for the student.

Whatever the outcome of the hearing process, a complainant may request ongoing or additional accommodations and the Title IX Coordinator will determine whether such measures are appropriate. Potential ongoing accommodations include:

- Providing an escort for the complainant
- Changing the complainant's academic schedule
- Allowing the complainant to withdraw from or retake a class without penalty
- Providing access to tutoring or other academic support, such as extra time to complete or re-take a class

Headlines Academy may also determine that additional measures are appropriate to respond to the effects of the incident on the school community. Additional responses for the benefit of the Headlines Academy community may include:

- Increased monitoring, supervision, or security at locations or activities where the misconduct occurred
- Additional training and educational materials for students and employees
- Revision of Headlines Academy's policies relating to sexual misconduct
- Climate surveys regarding sexual misconduct

## **11. Appeals**

Either the respondent or the complainant or both may appeal the determination of the hearing panel and/or the sanctions. Appeals are decided by the President of Headlines Academy, Inc. The three grounds for appeal are:

- 1 A procedural error affecting the determination or sanction;
- 2 New information that was not available at the time of the investigation or hearing and that may change the determination or sanction; and
- 3 Excessiveness or insufficiency of the sanction.

Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

The appealing student must submit the appeal in writing to the President of Headlines Academy, Inc. within five days after receiving the sanctioning notice. If either the complainant or

respondent submits an appeal, the Title IX Coordinator will notify the other that an appeal has been filed and the grounds of the appeal. The non-appealing student may submit a written response within five days after notice of an appeal.

If the President concludes that a change in the hearing panel's determination is warranted, the President may enter a revised determination, reconvene the panel to reconsider the determination, or return the matter for additional investigation. After consultation with the Title IX Coordinator, the President may also change the sanction. If both the complainant and respondent appeal, the appeals will be considered concurrently.

The President will notify the complainant and respondent of the final decision in writing. Appeals decisions will be rendered within 15 days after the receipt of the written appeal. All appeal decisions are final.

## **12. Records Disclosure**

Disciplinary proceedings conducted by Headlines Academy are subject to the Family Educational Records and Privacy Act (FERPA), a federal law governing the privacy of student information. FERPA generally limits disclosure of student information outside Headlines Academy without the student's consent, but it does provide for release of student disciplinary information without a student's consent in certain circumstances.

Any information gathered in the course of an investigation may be subpoenaed by law enforcement authorities as part of a parallel investigation into the same conduct, or required to be produced through other compulsory legal process.

Additional information about FERPA can be found on the Headlines Academy's website at [www.headlinesacademy.com](http://www.headlinesacademy.com).

## **13. Education and Prevention Programs**

As set forth in Section 3 of this Policy statement, Sexual Assault, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking are all forms of Prohibited Conduct.

Headlines Academy is committed to offering educational programs to promote awareness and prevention of Prohibited Conduct. Educational programs include an overview of Headlines Academy's policies and procedures; relevant definitions, including prohibited conduct; discussion of the impact of alcohol and illegal drug use; consent; safe and positive options for bystander intervention; review of resources and reporting options available for students, faculty, and staff; and information about risk reduction. Incoming students and new employees will receive primary prevention and awareness programming as part of their orientation. The Title IX Coordinator maintains an education and prevention calendar and tailors programming to campus needs and climate.

As part of Headlines Academy's commitment to provide an educational and work environment free from Prohibited Conduct, this Policy will be disseminated widely to the school community through e-mail communication, publications, websites, new employee orientations, student orientations, and other appropriate channels of communication.

The Title IX Coordinator, hearing panel members, and anyone else who is involved in responding to, investigating, or adjudicating sexual misconduct will receive annual training from experts in the field. In addition to training on how the adjudicatory process works, the training will include specific instruction about how to approach students about sensitive issues that may arise in the context of sexual misconduct.

## **Definitions of Sexual Misconduct under South Dakota Law**

Rape (sometimes also called "sexual battery" or "sexual assault") is illegal in South Dakota, and punished as a felony. The circumstances of the offense determine the level of felony, which in turn determine the penalties that apply to the crime.

When it comes to rape, the law strives to protect strangers, acquaintances, and married people equally. In South Dakota, as in all states, there is no exception or defense to prosecution for assault or rape that occurs within a marriage (to learn more about marital rape laws in South Dakota, see [Marital Rape in South Dakota](#)).

### Rape

In South Dakota, rape occurs when someone compels a victim to engage in unlawful sexual contact against the victim's will, and also includes circumstances when the victim is mentally incapable of giving consent to sex (such as being in a coma or having passed out from drug or alcohol use), and statutory rape—when the victim is too young to legally be able to give consent. (S.D. Cod. Laws § 22-22-1.)

### Penalties

Rape is a felony in South Dakota, and the applicable fines and prison term depend on the circumstances of the crime.

Rape is usually a Class 1 felony, which incurs a fine of up to \$50,000, up to 50 years in prison, or both.

However, if the victim was incapable of giving consent because of physical or mental incapacity; or because of any intoxicating, narcotic, or anesthetic agent or hypnosis, the offense is a Class 2 felony. Penalties include fine of up to \$50,000, up to 25 years in prison, or both.

And statutory rape has its own penalties. If the victim was thirteen years of age or older, but younger than sixteen years of age, and the defendant was at least three years older than the victim (at the time of the crime), the offense is a Class 3 felony. Penalties include fine of up to \$30,000, up to 15 years in prison, or both.

If the victim was younger than 13 at the time of the crime (regardless of the age of the defendant), the offense was a Class C felony; which incurs fine of up to \$50,000, up to life in prison, or both. (S.D. Cod. Laws § 22-22-1.)

### Defenses to a Charge of Sexual Assault

Defendants charged with sexual assault have the usual defenses available to all criminal defendants, starting with “Someone else committed this crime.”

A defendant can also claim that the sexual activity was consensual. In a sexual assault case, there can be significant questions about what constitutes consent or what constitutes refusal. This has led to the infamous question of when does “No” mean “No”? Does the word constitute a lack of consent as soon as it is spoken, or must the victim object more vigorously?

However, this defense only applies to conduct between two adults (people 18 or older). Statutory rape laws make minors legally incapable of giving consent to sexual activities. Therefore even if the minor “consented,” the sexual activity was nonetheless illegal and the defendant may be convicted of sexual battery or rape.

There is one exception that applies to some statutory rape cases. If the victim was 13, 14, or 15 years old; the defendant was not more than three years older than the victim; and the sexual activity was consensual; the defendant may have a defense to prosecution.

Another possible defense is an insanity plea, in which the defense argues that the accused is mentally ill and did not have the capacity to control his behavior, to form criminal intent or to understand what he was doing or that his actions were unlawful.

In South Dakota, it is illegal for an adult (someone 18 or older) to have sex with a minor (someone younger than 18), even if the sex is consensual. Those who break the law have committed statutory rape.

Statutory rape laws are premised on the assumption that minors are incapable of giving informed consent to sexual activities. Their incapacity is written into the statute—hence the term, “statutory” rape. The age of consent can vary among states, and some states differentiate between consensual sex between minors who are close in age (for example, two teenagers of the same age), as opposed to sex between a minor and a much older adult.



Though statutory rape does not require that the prosecutor prove an assault, it is still rape. Of course, rape that does involve force or an assault is illegal in South Dakota and prosecuted as forcible rape (see [South Dakota Sexual Battery Laws](#)). Assaults of a sexual nature may also be charged under the state's assault and battery laws (to learn more, see [Aggravated Assault Laws in South Dakota](#) and [Child Enticement in South Dakota](#)).

#### Statutory Rape and Penalties

In South Dakota, statutory rape includes sexual penetration and contact between an adult and someone younger than 18. The crime is broken into several categories, as explained below. First degree rape includes sexual penetration (however slight) between a minor who is younger than ten years old and a defendant older than 18 years old. This offense is a Class C felony; which incurs fine of up to \$50,000, up to life in prison, or both.

Criminal pedophilia includes sexual penetration between a minor who is younger than 13 and a defendant who is 26 or older. A Class 1 felony, penalties include a fine of up to \$50,000, up to 50 years in prison, or both.

Third degree rape includes sexual penetration between a minor who is between ten and 16 years old, and a defendant older than 18. This offense is a Class 2 felony. Penalties include fine of up to \$50,000, up to 25 years in prison, or both.

Sexual contact with a child younger than 16 includes sexual contact (sexual touching, other than penetration, meant to arouse or gratify sexual desire) between a minor younger than 16 and a defendant of any age. This offense is a Class 3 felony, and penalties include fine of up to \$30,000, up to 15 years in prison, or both. However, if the defendant was younger than 16 or fewer than three years older than the victim, this offense is a Class 1 misdemeanor; and penalties include a fine of up to \$2,000, up to one year in jail, or both.

(S.D. Cod. Laws § 22-22-1, 22-22-30.1, & 22-22-7.)

#### Sex Offender Registration

State law requires, in addition to the applicable fines and prison time, that people convicted of certain sexual crimes (including some instances of statutory rape) must register as sex offenders.

#### Defenses to a Statutory Rape Charge

Defendants charged with statutory rape have the usual defenses available to all criminal defendants, such as "Someone else committed this crime," or "The alleged conduct did not occur."

#### Statutory rape marital exemption

South Dakota has a marital exemption for statutory rape that allows consensual sex between a married minor and his or her adult spouse even though their ages would prohibit it if they were not married.

Minors are legally incapable of giving consent to having sex; so for example, if Jen, a 15 year old willingly has sex with Tony, her 19 year old boyfriend, Tony can be charged with rape, since Jen is not legally capable of giving consent in the first place.

But if Jen and Tony are married and living in South Dakota, Tony need not fear criminal charges for having consensual sex with Jen. This is because South Dakota has a marital exemption to the state's statutory rape laws.

However, if Tony were to rape Jen (force her to have sex against her will), he would have no protection under the law even if the two are married. For information about rape between spouses, see [South Dakota Marital Rape Laws](#).

#### "Romeo and Juliet" exception

Named after Shakespeare's young lovers, "Romeo and Juliet" exceptions are intended to prevent serious criminal charges against teenagers who engage in consensual sex with others close to their own age. In South Dakota, there is a limited Romeo and Juliet exemption for consensual sex between two minors who are both older than ten years old, but younger than 18 and fewer than three years apart in age. This exception shields the minors from felony charges, but one or both of the minors may nonetheless be prosecuted for misdemeanor charges of sexual contact with a child younger than 16.

### Mistake of age

Defendants accused of statutory rape often claim that they had no reason to know that their partner was underage. They may argue that the victim herself represented that she was older than she was, and that a reasonable person would have believed her. But even if this is true, a defendant cannot rely on a mistake of age—even a reasonable one—to avoid conviction in South Dakota.

Sexual Assault is any unwanted physical contact of a sexual nature that occurs either without the consent of each participant or when a participant is unable to give consent freely. Sexual assault can occur either forcibly and/or against a person's will, or when a person is unable to give consent freely. Non-consensual sexual intercourse is any form of sexual intercourse (vaginal, anal or oral) with any object without consent. Non-consensual sexual contact is any intentional sexual touching, however slight, with any object without a person's consent.

South Dakota law provides the following definitions with respect to incidents of sexual assault:

### Sexual battery

(1) As used in this chapter:

(a) "Consent" means intelligent, knowing, and voluntary consent and does not include coerced submission. "Consent" shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.

(b) "Mentally defective" means a mental disease or defect, which renders a person temporarily or permanently incapable of appraising the nature of his or her conduct.

(c) "Mentally incapacitated" means temporarily incapable of appraising or controlling a person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance administered without his or her consent or due to any other act committed upon that person without his or her consent.

(d) "Offender" means a person accused of a sexual offense in violation of a provision of this chapter.

(e) "Physically helpless" means unconscious, asleep, or for any other reason physically unable to communicate unwillingness to an act.

(f) "Retaliation" includes, but is not limited to, threats of future physical punishment, kidnapping, false imprisonment or forcible confinement, or extortion.

(g) "Serious personal injury" means great bodily harm or pain, permanent disability, or permanent disfigurement.

(h) "Sexual battery" means oral, anal, or vaginal penetration by, or union with, the sexual organ of another or the anal or vaginal penetration of another by any other object; however, sexual battery does not include an act done for a bona fide medical purpose.

(i) "Victim" means a person who has been the object of a sexual offense.

(j) "Physically incapacitated" means bodily impaired or handicapped and substantially limited in ability to resist or flee.

### 22-22-1.Rape defined–Degrees–Felony.

Rape is an act of sexual penetration accomplished with any person under any of the following circumstances:

(1) If the victim is less than thirteen years of age; or

(2) Through the use of force, coercion, or threats of immediate and great bodily harm against the victim or other persons within the victim's presence, accompanied by apparent power of execution; or

(3) If the victim is incapable, because of physical or mental incapacity, of giving consent to such act; or

(4) If the victim is incapable of giving consent because of any intoxicating, narcotic, or anesthetic

agent or hypnosis; or

(5) If the victim is thirteen years of age, but less than sixteen years of age, and the perpetrator is at least three years older than the victim.

A violation of subdivision (1) of this section is rape in the first degree, which is a Class C felony.

A violation of subdivision (2) of this section is rape in the second degree, which is a Class 1 felony. A violation of subdivision (3) or (4) of this section is rape in the third degree, which is a Class 2 felony. A violation of subdivision (5) of this section is rape in the fourth degree, which is a Class 3 felony. Notwithstanding § 23A-42-2 a charge brought pursuant to this section may be commenced at any time prior to the time the victim becomes age twenty-five or within seven years of the commission of the crime, whichever is longer.

22-22-7. Sexual contact with child under sixteen—Felony or misdemeanor.

Any person, sixteen years of age or older, who knowingly engages in sexual contact with another person, other than that person's spouse if the other person is under the age of sixteen years is guilty of a Class 3 felony. If the actor is

less than three years older than the other person, the actor is guilty of a Class 1 misdemeanor. If an adult has a previous conviction for a felony violation of this section, any subsequent felony conviction for a violation under this section, is a Class 2 felony. Notwithstanding § 23A-42-2, a charge brought pursuant to this section may be commenced at any time before the victim becomes age twenty-five or within seven years of the commission of the crime, whichever is longer.

22-22-7.1. Sexual contact defined—Exception when within the scope of medical practice.

As used in this chapter, the term, sexual contact, means any touching, not amounting to rape, whether or not through clothing or other covering, of the breasts of a female or the genitalia or anus of any person with the intent to arouse or gratify the sexual desire of either party. Practitioners of the healing arts lawfully practicing within the scope of their practice, which determination shall be conclusive as against the state and shall be made by the court prior to trial, are not included within the provisions of this section. In any pretrial proceeding under this section, the prosecution has the burden of establishing probable cause.

22-22-7.2. Sexual contact with person incapable of consenting—Felony.

Any person, fifteen years of age or older, who knowingly engages in sexual contact with another person, other than his or her spouse if the other person is sixteen years of age or older and the other person is incapable, because of physical or mental incapacity, of consenting to sexual contact, is guilty of a Class 4 felony.

22-22-7.3. Sexual contact with child under sixteen years of age—Violation as misdemeanor.

Any person, younger than sixteen years of age, who knowingly engages in sexual contact with another person, other than his or her spouse, if such other person is younger than sixteen years of age, is guilty of a Class 1 misdemeanor.

22-22-7.4. Sexual contact without consent with person capable of consenting as misdemeanor.

No person fifteen years of age or older may knowingly engage in sexual contact with another person other than his or her spouse who, although capable of consenting, has not consented to such contact. A violation of this section is a Class 1 misdemeanor.

South Dakota law provides the following definitions with respect to Stalking:

SD State. § 784.048. Stalking; definitions; penalties.

### **Stalking**

S.D. Codified Laws § 22-19A-1. Elements – Penalty.(2006)

No person may:

- (1) Willfully, maliciously, and repeatedly follow or harass another person;
- (2) Make a credible threat to another person with the intent to place that person in reasonable fear

of death or great bodily injury; or

(3) Willfully, maliciously, and repeatedly harass another person by means of any verbal, electronic, digital media, mechanical, telegraphic, or written communication.

A violation of this section constitutes the crime of stalking. Stalking is a Class 1 misdemeanor. However, any second or subsequent conviction occurring within ten years of a prior conviction under this section is a Class 6 felony.

S.D. Codified Laws § 22-19A-2. Violation when restraining or protection order in effect – Penalty. (1994)

Any person who violates § 22-19A-1 when there is a temporary restraining order, or an injunction, or a protection order, in effect prohibiting the behavior described in § 22-19A-1 against the same party, is guilty of a Class 6 felony.

S.D. Codified Laws § 22-19A-3. Subsequent convictions with violence or threat – Penalty. (1993)

A second or subsequent conviction occurring within seven years of a prior conviction under § 22-19A-1, 22-19A-2 or 22-19A-7 against the same victim, and involving an act of violence, or a credible threat of violence, is guilty of a Class 5 felony.

S.D. Codified Laws § 22-19A-4. "Harasses" defined. (1993)

For the purposes of this chapter, "harasses" means a knowing and willful course of conduct directed at a specific person which seriously alarms, annoys, or harasses the person, and which serves no legitimate purpose.

S.D. Codified Laws § 22-19A-5. "Course of conduct" defined. (1992)

For the purposes of this chapter, "course of conduct" means a pattern of conduct composed of a series of acts over a period of time, however short, evidencing a continuity of purpose.

Constitutionally protected activity is not included within the meaning of "course of conduct."

S.D. Codified Laws § 22-19A-6. "A credible threat" defined. (1993)

For the purposes of this chapter, "a credible threat" means a threat made with the intent and the apparent ability to carry out the threat. A credible threat need not be expressed verbally.

S.D. Codified Laws § 22-19A-7. Felonious stalking – Penalty. (2002)

Any person who willfully, maliciously, and repeatedly follows or harasses a child twelve years of age or younger or who makes a credible threat to a child twelve years of age or younger with the intent to place that child in reasonable fear of death or great bodily injury or with the intent to cause the child to reasonably fear for the child's safety is guilty of the crime of felony stalking. Felonious stalking is a Class 6 felony.

S.D. Codified Laws § 22-19A-8. Petition for protection order – Procedure. (2007)

There exists an action known as a petition for a protection order in cases of stalking, in cases of physical injury as a result of an assault, or in cases of a crime of violence as defined in subdivision 22-1-2(9). Procedures for the action are as follows:

- (1) A petition under this section may be made against any person who violates § 22-19A-1 or against any other person against whom stalking or physical injury as a result of an assault or in cases where a crime of violence is alleged;
- (2) A petition shall allege the existence of (a) stalking or (b) physical injury as a result of an assault or (c) a crime of violence, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances of the stalking or the physical injury as a result of an assault or crime of violence;
- (3) A petition for relief may be made whether or not there is a pending lawsuit, complaint, petition, or other action between the parties.

The clerk of the circuit court shall make available standard petition forms with instructions for completion to be used by a petitioner. The attorney general shall prepare the standard petition form.

South Dakota law provides the following definitions with respect to Domestic Violence:  
Domestic violence; definitions

(2)“Domestic violence” means any assault, aggravated assault, battery, aggravated battery, sexual assault, sexual battery, stalking, aggravated stalking, kidnapping, false imprisonment, or any criminal offense resulting in physical injury or death of one family or household member by another family or household member.

(3) “Family or household member” means spouses, former spouses, persons related by blood or marriage, persons who are presently residing together as if a family or who have resided together in the past as if a family, and persons who are parents of a child in common regardless of whether they have been married. With the exception of persons who have a child in common, the family or household members must be currently residing or have in the past resided together in the same single dwelling unit.

South Dakota law provides the following definitions with respect to Dating Violence:

“Dating violence” means violence between individuals who have or have had a continuing and significant relationship of a romantic or intimate nature. The existence of such a relationship shall be determined based on the consideration of the following factors:

- 1 A dating relationship must have existed within the past 6 months;
- 2 The nature of the relationship must have been characterized by the expectation of affection or sexual involvement between the parties; and
- 3 The frequency and type of interaction between the persons involved in the relationship must have included that the persons have been involved over time and on a continuous basis during the course of the relationship.

The term does not include violence in a casual acquaintanceship or violence between individuals who only have engaged in ordinary fraternization in a business or social context.

### **Bystander Intervention**

Headlines Academy’s primary prevention and awareness program includes a description of safe and positive options for bystander intervention. Active bystanders take the initiative to help someone who may be targeted for a sexual assault. They do this in ways that are intended to avoid verbal or physical conflict. Active bystanders also take the initiative to help friends, who are not thinking clearly, from becoming offenders of crime. Intervention does not mean that you directly intervene to stop a crime in progress; rather, these steps are “early intervention” – before a crime begins to occur. There are three important components to consider before taking action that we refer to as the ABCs:

- Assess for safety. Ensure that all parties are safe, and whether the situation requires calling authorities. When deciding to intervene, your personal safety should be the #1 priority. When in doubt, call for help.
- Be with others. If it is safe to intervene, you are likely to have a greater influence on the parties involved when you work together with someone or several people. Your safety is increased when you stay with a group of friends that you know well.
- Care for the person. Ask if the target of the unwanted sexual advance/attention/behavior is okay – does he or she need medical care? Ask if someone they trust can help them get safely home.

Information on Bystander Intervention was provided by the Department of Defense Sexual Assault Prevention and Response Office from: [www.sapr.mil](http://www.sapr.mil)

### **Risk Reduction**

Headlines Academy’s primary prevention and awareness program includes information on risk reduction. This includes:

Avoiding Dangerous Situations. While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted.

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.

- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

**Safety Planning. Things to think about:**

- How to get away if there is an emergency? Be conscious of exits or other escape routes. Think about options for transportation (car, bus, subway, etc.).
- Who can help? Friends and/or family, or support centers in your area. Please see Section 4 of this Policy for a list of support organizations.
- Where to go? Options may include a friend's house or relative's house, or you may consider going to a domestic violence or homeless shelter. You may also go to the police.  
Important Safety Note: If the dangerous situation involves a partner, go to the police or a shelter first.
- What to bring? This may include important papers and documents such birth certificate, social security card, license, passport, medical records, lease, bills, etc. This will also include house keys, car keys, cash, credit cards, medicine, important numbers, and your cell phone. If you are bringing children with you, remember to bring their important papers and legal documents. You can keep all of these things in an emergency bag. You should hide the bag—it is best if it is not in your house or car. If the bag is discovered, you can call it a "tornado" or "fire" bag.

**Protecting Your Friends.** You have a crucial role to play in keeping your friends safe. No matter what the setting, if you see something that doesn't feel quite right or see someone who might be in trouble, there are some simple things you can do to help out a friend.

- If you see a friend in a situation that doesn't feel quite right, create a distraction to get your friend to safety. This can be as simple as joining or redirecting the conversation: suggest to your friend that you leave the party, or ask them to walk you home. Try asking questions like: "Do you want to head to the bathroom with me?" or "Do you want to head to another party – or grab pizza?"
- Step in. If you see someone who looks uncomfortable or is at risk, step in. If you feel safe, find a way to de-escalate the situation and separate all parties involved. Don't be shy about directly asking the person if they need help or if they feel uncomfortable.
- Enlist others. You don't have to go it alone. Call in friends or other people in the area as reinforcements to help defuse a dangerous situation and get the at-risk person home safely. There is safety in numbers.
- Keep an eye out. Use your eyes and ears to observe your surroundings. If you see someone who has had too much to drink or could be vulnerable, try to get them to a safe place. Enlist friends to help you. Even if you weren't around when the assault occurred, you can still support a friend in the aftermath.

**Social Situations.** While you can never completely protect yourself from sexual assault, there are some things you can do to help reduce your risk of being assaulted in social situations.

- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who

- is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately.
  - Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
  - Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
  - Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
  - If you suspect you or a friend has been drugged, contact law enforcement immediately. Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

Information on Risk Reduction was provided by RAINN: Rape, Abuse & Incest National Network: [www.rainn.org](http://www.rainn.org).

#### **14. Amendments**

Headlines Academy may amend the Policy or the Procedures from time to time. Nothing in the Policy or Procedures shall affect the inherent authority of Headlines Academy to take such actions as it deems appropriate to further the educational mission or to protect the safety and security of the school community.

Headlines Academy of Cosmetology, Esthetics, Nails and Massage  
Sexual Misconduct Policy

#### **Definitions of Key Terms**

- Sexual Harassment – Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (i) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment, (ii) submission to or rejection of such conduct by an individual is used as the basis for education or employment decisions affecting such individuals, or (iii) such conduct has the purpose or effect of unreasonably interfering with an individual's school or work performance or creating an intimidating, hostile, or offensive educational or working environment.
- Hostile Environment Caused By Sexual Harassment – refers to a situation where students and/or employees are subject to a pattern of exposure to unwanted sexual behavior that is so severe, persistent, or pervasive that it alters the conditions of education, employment, or participation in a school program or activity, thereby creating an environment that a reasonable person in similar circumstances and with similar identities would find hostile, intimidating, or abusive. An isolated incident, unless sufficiently severe, does not amount to a hostile environment caused by sexual harassment.
- Quid Pro Quo Harassment – refers to a situation where students and/or employees are subject to unwanted sexual behavior where submission or rejection of such conduct is used, explicitly or implicitly, as the basis for decisions affecting an individual's education, employment, or participation in a school program or activity.
- Sexual Assault – is any unwanted physical contact of a sexual nature that occurs either without the consent of each participant or when a participant is unable to give consent freely. Sexual assault can occur either forcibly and/or against a person's will, or when

a person is unable to give consent freely. Non-consensual sexual intercourse is any form of sexual intercourse (vaginal, anal or oral) with any object without consent. Non-consensual sexual contact is any intentional sexual touching, however slight, with any object without a person's consent.

- Domestic Violence – A felony or misdemeanor crime of violence committed (i) by a current or former spouse or intimate partner of the victim; (ii) by a person with whom the victim shares a child in common; (iii) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (iv) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (v) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- Dating Violence – Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purpose of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
- Prohibited Conduct – Headlines Academy prohibits the crimes of Sexual Assault, Sexual Harassment, Sexual Exploitation, Dating Violence, Domestic Violence, and Stalking as defined in these Definitions of Key Terms.
- Sexual Exploitation – sexual misconduct that occurs when a person takes unjust or abusive sexual advantage of another for his or her own advantage or benefit or for the benefit or advantage of anyone other than the exploited party; and that behavior does not otherwise constitute sexual assault. Examples of sexual exploitation include, but are not limited to, videotaping or photographing of any type (web-cam, camera, Internet exposure, etc.) without knowledge and consent of all persons; prostituting another person; knowingly transmitting HIV or a sexually transmitted disease to an unknowing person or to a person who has not consented to the risk; or inducing incapacitation with the intent to commit sexual assault, without regard to whether sexual activity actually takes place.
- Stalking – 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. Course of conduct means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Retaliation – means any adverse action, or attempted adverse action, against an individual or group of individuals because of their participation in any manner in an investigation, proceeding, or hearing under this Policy.
- Intimidation – To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- Consent -is a voluntary agreement to engage in sexual activity.
- Past consent does not imply future consent.



- Silence or an absence of resistance does not imply consent.
- Consent to engage in sexual activity with one person does not <sup>[L]</sup><sub>[SEP]</sub> imply consent to engage in sexual activity with another.
- Consent can be withdrawn at any time.
- Coercion, force, or threat of either invalidates consent.

Someone who is incapacitated cannot consent. Incapacitation refers to a situation in which a person is not capable of providing consent because the person lacks the ability to understand her or his decision. This situation may occur due to the use of drugs or alcohol, when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the student from having the capacity to give consent.

- Complainant – means the person making the allegation(s) of sexual misconduct.
- Respondent – means the person alleged to have committed sexual misconduct.

## **15. South Dakota Cosmetology Disclosure**

### **CIP Codes**

Classification of Instructional Programs (CIP) is a taxonomic coding scheme for postsecondary instructional programs/fields of study that facilitates the organization, collection, and reporting of program data. The CIP was developed by the U.S. Department of Education's National Center for Education Statistics (NCES) and is the accepted federal government statistical standard on instructional program classifications and is used in a variety of education information surveys and databases.

Cosmetology: 12.0401

Esthetics: 12.0409

Nail Technology: 12.0410

Massage Therapy: 51.3501

## **16. Copyright Material and Infringement**

Network Usage- The network is to be used in accordance with the mission of Headlines Academy as a tool to enhance education and is not available for unrestricted use for other purposes. The following policies address the proper use of Headlines Academy's network. These policies are subject to change.

- Unauthorized networking equipment (such as routers and wireless access points, etc.) is prohibited from use on the network. Network services and wiring may not be modified or extended beyond their intended use. This policy applies to all institutional network infrastructure and services.
- Users may not manually assign an IP address to any network device. Doing so may disrupt connectivity for other users.
- Users of the Headlines Academy network may not provide access to resources on the local network to anyone outside of Headlines Academy for any purpose unless accomplished by means approved by the Campus Director.
- Computer names, computer descriptions, and messages broadcast across the network should not be defamatory, lewd, or obscene.
- Federal law prohibits the transmission (sharing) of copyrighted materials without express written permission from the copyright holder. Copyrighted works (including but not limited to original writings, software, movies and music) may not be shared on the local network without written permission of the copyright holder. Per Title 17 and Title 18 of US Code, penalties may include up to \$150,000 in civil liability and up to five years in prison for a first offense.
- Headlines Academy prohibits the installation of peer-to-peer software such as but not limited to KaZaA, Napster, Gnutella, FreeNet, WinMX, Morpheus, AOL Messenger-AIM, MSN Messenger, ICQ, on any computing device connected to

the institution's network. Headlines Academy reserves the right to restrict access to any service detrimental to Headlines Academy's technology resources.

Attempts to bypass these restrictions will be considered a violation of this policy.

- Headlines Academy does not allow network users to run unauthorized SMTP, DHCP, or directory services on any networks.
- Defective, malfunctioning, compromised or misconfigured equipment on the network will be disabled without prior notification.
- Unauthorized registration of a domain to a Headlines Academy IP address is prohibited. This includes but is not limited to direct DNS resolution and DNS aliasing.
- Unauthorized hardware and/or software used to detect and/or exploit network vulnerabilities are forbidden on Headlines Academy networks.
- Forgery or other misrepresentation of one's identity via electronic or any other form of communication is prohibited regardless of intent.
- Violation of these policies will result in penalties up to and including expulsion.

**DISCLAIMER** From time to time this Technology Systems Usage Policy and related policies may be revised. The latest official copy of this policy is available from the Information Technology Services.

As most students know by now, record and motion picture companies are suing college students across the country for downloading and sharing music and movie files without the copyright holder's permission.

So what does this mean, exactly?

It means that when you download music and movie files from the internet, unless you know for sure that the file isn't copyrighted, or receive permission from the copyright holder, you are taking a big chance, and can safely assume you are committing copyright infringement.

Downloading or distributing copyrighted material without the express permission of the copyright owner is copyright infringement, and is against the law. Unless you receive actual express permission from the copyright owner, assume you do not have permission to download or share the file.

If you illegally download or share copyrighted material such as music or movie files, you could face legal action from the owner of the copyright for the work, which could mean many thousands of dollars in fines, as well as college disciplinary action.

Does it matter that you didn't know you were "sharing" the file?

No, it doesn't. Copyright infringement under federal law does not require intent, or even knowledge, on the part of the alleged infringer. Also, keep in mind that simply downloading a music or movie file without permission, whether it's shared, or not, is illegal. And again, if you share such a file without permission, whether you knew or intended to share it, or not, you can be held liable for copyright infringement under federal copyright law.

Again, by downloading and sharing a file you should assume you are committing copyright infringement, unless you have clear and express permission from the copyright holder.

How do people get caught, and why are colleges being targeted?

The Recording Industry of America (RIAA), a trade group made up of record labels such as Sony and RCA, is leading the charge in targeting university and college students in an attempt to curb what it deems to be illegal file sharing.

The RIAA and other copyright holders use automated methods to identify infringements, and even small amounts of sharing can be detected and tracked to students' IP addresses.

The IP (Internet Protocol) address is assigned to each user by the ISP (Internet Service Provider). Headlines Academy and other colleges and universities across the country are easy targets for the detection of illegal file sharing. Why? First, university and college ISP's tend to provide internet access at very high speeds, which facilitates quick and easy downloading and sharing of files.

Second, college students are the demographic most likely to take advantage of free downloading

and sharing of files.

The bottom line is that if you download music and movie files, you're probably breaking the law and setting yourself up for, at best, a costly settlement and, at worst, a very costly civil lawsuit. How costly will it be if you're caught committing copyright infringement?

Currently, the RIAA is seeking \$750.00 per illegally downloaded file in cases that don't settle before a complaint is filed in federal court. Thus, if you download only ten songs, you may be responsible for \$7,500.00.

Then there is the settlement process, which isn't cheap either.

### **17. Drug and Alcohol Abuse Prevention**

Statement on the unlawful possession, use, or distribution of illicit drugs and alcohol

The Headlines Academy standard of conduct is that no student or employee will report to Headlines Academy under the influence of or unlawfully possess, use, or distribute illicit drugs and alcohol on campus property or as part of any Headlines activities.

#### Legal Sanctions

State law prohibits the possession of alcoholic beverages by persons under age 21, punishable for the first offense by a definite term of imprisonment not exceeding 60 days and/or a \$500 fine, and for a subsequent offense by a definite term of imprisonment not exceeding 1 year and a fine of \$1,000. It is similarly prohibited and punishable to distribute alcohol to minors.

#### Health Risks Associated with the Use of Illicit Drugs and the Abuse of Alcohol

Alcohol consumption causes a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Moderate doses of alcohol also increase the incidence of a variety of aggressive acts, including murder, rape, armed robbery, vandalism, spouse and child abuse, and drunk driving. Moderate to high doses of alcohol can cause marked impairment in higher mental functions, severely altering a person's ability to learn and remember information. Heavy use may cause chronic depression and suicide, and is also greatly associated with the abuse of other drugs. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects described. The use of even small amounts of alcohol by pregnant women can damage their fetus.

Long term heavy alcohol use can cause digestive disorders, cirrhosis of the liver, circulatory system disorders and impairment of the central nervous system, all of which may lead to an early death.

Repeated use of alcohol can lead to dependence, particularly in persons with one or more parents or grandparents who were problem drinkers. At least 15-20% of heavy users will eventually become problem drinkers or alcoholics if they continue drinking. Sudden cessation of alcohol intake is likely to produce withdrawal symptoms including severe anxiety, tremors, hallucinations and convulsions, which can be life threatening.

All illicit drugs are health threatening. Examples include: cannabis – impairment of short-term memory and comprehension and ability to perform tasks requiring concentration, lung damage, paranoia and possible psychosis; narcotics, depressants, stimulants and hallucinogens – nervous system disorders with possible death the result of an overdose. Illicit inhalants can cause liver damage. Dependence and addiction are a constant threat to users. AIDS is widely spread among intravenous drug users.

#### Available Rehabilitation and Treatment

Drug and alcohol counseling and rehabilitation referrals are available through the Director of Student Services, (605) 348-4247.

In addition, help is also available through the following:

Alcoholics Anonymous  
(605) 343-1091

Narcotics Anonymous  
(605) 394-8008

### **School Sanctions**

The unlawful manufacture, possession, use or distribution of any drugs and/or alcohol is strictly prohibited by Headlines Academy. Any drug statute conviction from a violation occurring at Headlines Academy or during any school related activities will result in immediate termination from the academy. Headlines Academy will enforce a drug free school and workplace and will have the right to act in any or all, but not limited to, the following manners: conference with student or employee verbally, notify student/employee or treatment centers, suspension/termination, referral for prosecution to local/state law enforcement.

It will be determined how any such case will be handled on a case-by-case basis. A disciplinary committee, led by the Campus Director, will determine at which point each action will be enforced.

### **18. Emergency Response/Evacuation Procedures**

In the event of an emergency at the school, students, faculty and staff will be notified via alarm. Headlines Academy will perform a bi-annual test of the emergency/evacuation system.

#### **Active Shooter Plan**

Any event where a *firearm or any other weapon* is known to be involved, all employees and students are asked to contact the Campus Director and/or Safety Director and notify them of the situation.

- If confronted by an armed/violent intruder, *do not* resist and follow their instructions.
  
- If 911 has not been contacted, call 911 immediately and inform them of the following:
  - What is going on
  - Location of incident
  - What type of weapon is involved
  - How many people are involved
  
- If scene is not safe, stay out of danger area and wait for police to arrive
- If 911 have been called, and the scene is safe, evacuate all employees, students and guests from the area.
- Complete a detailed incident report
- Forward incident report to the Campus Safety Director

#### **Natural Disaster Plan**

Campus Directors monitor the National Weather Service. In the event of impending severe weather at the facility, the following will occur:

- If a Tornado Warning or Watch (defined below) takes place outside of normal business hours

- the Campus Director will determine if the campus will be closed. If the campus is closed all students, faculty, and staff will be notified via text message and Facebook Page.
- If a Tornado Warning or Watch takes place during normal business hours the Campus Director will determine if the campus will be closed. Each student, faculty, and staff member will be notified verbally that the campus will be closing.
  - If severe weather or any other natural disaster occurs during normal business hours the Campus Director will determine if the students, faculty and staff need to move away from the windows and move to a designated “Severe Weather Area” in the school.

### **Bomb & Terrorist Plan**

All bomb threats should be treated as though they are real. In the event that a bomb threat is received, the following steps should be taken:

- If a bomb threat has been received at the facility, the Campus Director shall initiate an emergency evacuation of the facility.
- Call 911 and report the bomb threat.
- If the bomb threat has been received via phone, the person taking the call should remain calm and obtain as much information from the caller as possible including the following:
  - How many bombs are there?
  - Where are they located?
  - When are they set to explode?

### **19. Family Education Rights and Privacy Act (FERPA)**

In compliance with Public Law 93-380, “The Family Educational Rights and Privacy Act” (FERPA), the Academy has adopted policies and procedures which give students the opportunity to view their educational records upon request. Educational records mean those files, documents, and other material that contains information directly related to a student. Educational records do not include working papers concerning students, such as informal notes and other temporary notes of a similar nature that are in the sole possession of the faculty or staff and are not accessible or revealed to any other person. The College will not permit access to, or the release of, confidential information to any individual or agency without the express written consent of the student except as follows:

- to other school officials who have educational interest in the information
- to officials or another school where the student seeks or intends to enroll or is enrolled, representatives of the Comptroller General of the United States, the Secretary of Education or State and local educational authorities relating to financial aid and is necessary to determine eligibility for aid, determine amount of aid, determine conditions for the aid, enforce the terms and the conditions of the aid
- to State officials if required by State statute
- to organizations , conducting studies for educational agencies or institutions to develop, validate, or administer student aid programs or improve instruction. No personally identifiable information will be released except to representatives of the organization and the information provided to the organization will be destroyed when no longer needed for the study
- to accrediting agency to carry out accrediting functions
- to parents of a dependent student
- to comply with a judicial order or subpoena
- to meet a health or safety emergency

- to an alleged victim of a crime or violence regarding the final results of disciplinary proceedings against the alleged perpetrator of the crime

All disclosures of information will be recorded in the file and will include parties receiving information and the legitimate interests of the parties for inspection of the records.

Personally identifiable information which is designated as directory information includes a student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities, degrees and awards received and the most recent previous educational agency of institution attended.

Such Directory Information may be disclosed by the Academy for any purpose, at its discretion. Currently enrolled students may withhold the disclosure of any category of information under the Family Educational Rights and Privacy Act of 1974, as amended. To withhold disclosure, written notification must be received in the Campus Director's office prior to the end of the second week in which the student begins classes.

Headlines Academy assumes that failure on the part of any student to specifically request the withholding of Directory Information indicates individual approval for disclosure. For additional information regarding the Family Educational Rights and Privacy Act of 1974, please contact the Family Policy Compliance Office

U.S Department of Education  
400 Maryland Avenue  
Washington, D.C 20202-5901

Students may request to inspect and review his or her education records in writing to the Campus Director. They may also request, in writing to the Campus Director, if they are seeking amendments of their student records.

#### High School Diploma-Determining the Validity

For admittance in accordance with our accrediting commission, NACCAS, Headlines Academy requires all students to provide evidence that the applicant possesses one of the following: a High School Diploma, a GED equivalent, a home-study certificate or transcript from a home-study program that is equivalent to high school level and is recognized by the student's home state. An applicant to any program who has not yet obtained a GED or who cannot provide proof of graduation may obtain GED testing information from the Admissions Department.

'Diploma Mill' is a term that refers to any entity that offers, for a fee, degrees, diplomas, or certificates, that may be used to represent to the general public that the individual possessing such a degree, diploma, or certificate has completed a program of education or training; and requires such individual to complete little or no education or coursework to obtain such degree, diploma, or certificate; and lacks accreditation by an accrediting agency or association that is recognized as an accrediting agency.

Headlines Academy keeps a record of any institutions known to be diploma mills. If a high school's validity is in question either by the Secretary of Education or the institution, Headlines Academy will consider the following factors:

- The institution's website: are there indicators of education for a fee, correspondence (mail-in) training and testing as well as any other unusual inconsistencies? Does the institution require little coursework or little attendance to obtain a credential?
- Does the institution provide information about its corporation's location, its governance, or ownership
- Does the institution provide little or no contact information other than a telephone number or email address?
- Does the institution publish false or exaggerated claims of external quality review?
- If the institution does not have a website, the institution will need to be contacted by phone. If the institution cannot be contacted by internet or phone, this is an indication that the high

- school diploma is valid;
- Review high school transcripts to verify the extent of the coursework involved for the diploma the applicant is presenting;
- Determine the length of time to completion. How does this time frame correlate to the amount of coursework needed to complete high school?

The determination of the validity of a high school diploma is a collective effort based on a variety of factors. The Campus Director and the Director of Compliance & Oversight will make the final decision after taking into account the results of the research, including the use of outside agencies.

#### **20. The Institutional Refund Policy and Academic Process:**

- 1 a) Applicants requesting a refund after three business days or before class-starting date shall receive a refund of all monies paid.
- 2 b) Each student has a two week add/drop period. During this time if student has started school but completed less than 2 weeks the school refunds 100% of tuition and student service fee. The student is still responsible for paying for the student kit.
- 3 c) If student's scheduled hours as of last day attended is greater than 2 weeks and less than 10% of the term length the school refunds 80% of tuition. The student is still responsible for paying for the student kit and student service fee.) If student's scheduled hours as of last day attended is 11%-20% of the term the school refunds 70% of tuition. The student is still responsible for paying for the student kit and student service fee.
- 4 e) If student's scheduled hours as of last day attended is 21%-30% of the term the school refunds 60% of tuition. The student is still responsible for paying for the student kit and student service fee.
- 5 f) If student's scheduled hours as of last day attended is 31%-49% of the term the school refunds 50% of tuition. The student is still responsible for paying for the student kit and student service fee) If the student's scheduled hours as of last day attended is 50% or greater there is no refund.

Special Cases: In case of prolonged illness or accident, death in the family, or other circumstances, which make it impractical to complete the program, the school shall make a settlement, which is reasonable and fair to both parties.

All refunds, either to financial assistance programs (if applicable) or to the student, will be made within 30 days of the date the student officially withdraws or is terminated or within 30 days of the date the institution has determined that the student withdrew.

#### **Federal Return of Title IV Funds Policy**

For each Title IV aid recipient who terminates/withdraws, the school must calculate the amount of Title IV assistance the student has earned which is determined on a pro rata basis. The amount of aid that was disbursed or could have been disbursed for the payment period (or the period of enrollment) is multiplied by the percentage of scheduled clock hours up to the last date of attendance (date of withdrawal) divided by the clock hours in the payment period or period of enrollment. Once the student has completed 60 percent of the payment period or period of enrollment, the student has earned 100 percent of the assistance. If the amount earned is greater than the amount disbursed or could have been disbursed, the student may be eligible for a post-withdrawal disbursement. If a student is eligible for a post-withdraw disbursement, the school will confirm with the student or parent in the case of a PLUS loan, that they want a portion or all of the post-withdraw disbursement of the loan. If the amount earned is less than the amount disbursed or could have been disbursed, then the school and perhaps the student will be required to return Title IV funds back to the federal account(s). If the student is required to return loan funds (or the parent, in the case of a PLUS Loan), the student/parent must repay any unearned funds that the school did not return in accordance with the terms and conditions of the Master Promissory Note. If the student is required to return grant funds, he/she must return any grant funds that are in excess of 50 percent of the amount of grant(s) received. Federal regulations

require the return of Title IV funds in the following order, as applicable:

- 1 Unsubsidized Direct Stafford Loans (other than PLUS loans)
- 2 2. Subsidized Direct Stafford Loans
- 3 3. Direct Plus Loans

If any funds remain after repaying all loan amounts, those remaining funds must be credited in the following order:

- 1 Federal Pell Grants for which a return of funds is required
- 2 Federal Supplemental Educational Opportunity Grant (FSEOG) for which a return of funds is required.
- 3 Other assistance under this title for which a return of funds is required

#### Satisfactory Academic Progress

Students must maintain satisfactory academic progress in order to remain eligible for Title IV funds and to be enrolled at Headlines Academy. In order to maintain satisfactory academic progress a student must maintain a specified grade average and proceed through the program of study at a specified minimum pace. Satisfactory academic progress (qualitative and quantitative) will be checked at the end of each payment period for all students, including those who do not participate in financial aid programs, and is determined by the following criteria:

An cumulative grade average of 75% must be maintained. If a student misses an exam, the student will receive a zero and has to retest until a passing grade is achieved. If a student receives a failing grade on a theory exam, the student is required to retest until a passing grade is achieved. The passing grade takes the place of the failing grade. Students must receive a passing grade prior to the satisfactory academic progress checkpoint to assure they are maintaining satisfactory academic progress.

A cumulative attendance average of 67 % of scheduled hours must be maintained.

#### INCOMPLETE /WITHDRAW GRADES AND REMEDIAL COURSES

Headlines Academy does not give incomplete or withdrawal grades nor does it offer or recognize remedial course work.

#### TRANSFER CLOCK HOURS

A student, who has been awarded transfer clock hours from another institution or from a previous enrollment at Headlines Academy, will receive the transfer hours as both scheduled and actual clock hours.

#### MAXIMUM TIME FRAME

Students must complete their program within a specified period. Upon enrollment, each student will be informed of his or her maximum time frame to complete the program. The maximum time frame shall not exceed 1.5 times the number of clock hours required to complete the program. In the event a student must change his/her contracted schedule, the student's maximum time frame will be adjusted accordingly. Students approved for Veterans training must complete the program within the VA approved time frame.

#### FINANCIAL AID WARNING

Students not meeting either the qualitative or quantitative standards described above when satisfactory academic progress is measured at the end of each payment period, will be placed on Financial Aid Warning. During the Financial Aid Warning status, the student is eligible for Title IV funding for the next payment period. Failure to achieve the minimum cumulative grade point average and/or the cumulative attendance average at the end of the Financial Aid Warning period will lose financial aid eligibility and will be terminated from Headlines Academy. The student may follow the procedure outlined below if they wish to appeal to loss of eligibility and termination from the institution.

#### NOTIFICATION

A student who is not meeting Satisfactory Academy Progress will be notified of his/her status in writing. The notification will be given to the student in person, when possible, and mailed to



his/her home address when it is not possible to be delivered in person.

#### APPEAL PROCESS

A student who loses financial aid eligibility and is terminated from Headlines Academy due to lack of satisfactory academic progress following the period of Financial Aid Warning, may appeal the decision. The basis on which to appeal must be due to mitigating circumstances that the student feels deserve further consideration, i.e., death of a relative, injury or illness or other special circumstances.

The student who wishes to appeal must submit a letter, along with documentation to the Campus Director describing the mitigating circumstances and what has changed in the student's situation that will allow the student to demonstrate satisfactory academic progress at the next evaluation. The student has five (7) business days to submit the appeal documentation to the Campus Director to be reviewed for consideration.

An appeal decision will be made by the institution within ten (10) business days of the submission of the appeal. The student will be notified in writing of the decision of the appeal. A student who is allowed to return must achieve and maintain satisfactory progress as described above. The circumstances concerning a student's appeal are considered on an individual basis.

#### REESTABLISHING SATISFACTORY ACADEMIC PROGRESS

To reestablish satisfactory academic progress, the student must bring his/her cumulative grade point average and/or attendance percentage levels up to the satisfactory academic standards by the end of the payment period or the student will lose financial aid eligibility and will be terminated from Headlines Academy.

#### Students with Disabilities

A student desiring an academic adjustment / accommodation must submit current documentation as required by the Criteria for Disability Documentation to the Campus Director. The documentation should state, as determined by an appropriate licensed professional, what reasonable adjustments / accommodations are needed by the student.

#### Transfer of Hours

Our programs are designed with a single terminal objective—preparation for entry-level employment in the field of training. A student who desires to further his education after completing training at Headlines Academy is advised that acceptance of transfer hours is at the discretion of the receiving institution. Prospective students are advised to obtain information from all institutions they expect to attend in order to understand each institution's transfer acceptance policies. It is the student's responsibility to confirm whether or not hours will be accepted by another school of the student's choice. An institution's accreditation does not guarantee credits earned at that institution will be accepted for transfer.

### **21. Campus Safety and Security Report**

In compliance with the student Right-To-Know and the Campus Security Act, Headlines Academy has prepared this information on crime awareness and campus security for all students and employees, and applicant for enrollment or employment.

- 1 Campus policies regarding procedures for reporting criminal actions or other emergencies occurring on campus.
- 2 Student or employees witnessing or involved in any kind of criminal action or emergency on campus shall report this action to their Instructor or Program Manager. If the Instructor or the Program Manager is unavailable, then report to the Campus Director.
- 3 All such reports shall be given to the Campus Director who will take actions as necessary. This includes, but is not limited to:
  - (1) Calling emergency services as required

- (2) Reports to the local authorities or jurisdiction
- (3) Referral of student or employee to agencies to receive necessary assistance.
- (4) Collecting and maintaining a file of all such reports.
  - 1 Policies concerning security and access to campus facilities.
  - 2 The campus area is accessible only during normal business hours. Responsible management personnel will be available on campus during all normal business hours to ensure timely reaction to any and all incidents reported.
  - 3 Headlines Academy does not own or control any housing, but all students and employees are advised to check with apartment managers and or local law enforcement agencies as to residence security.

Maintenance of campus facilities is considered to be of the highest Priority.

All campus facilities will be maintained in a manner to ensure a safe and secure workplace.

**Policies concerning campus law enforcement.**

- 1 Headlines Academy campus law enforcement is enforced by local law enforcement agencies.
- 2 Students or employees who witness or are involved in any kind of criminal action or emergency and do not report the crime or emergency promptly may be subject to termination from enrollment or employment.
- 3 An orientation is held with new students and employees to inform them about campus security procedures and practices, and to encourage them to be responsible for their own security and the security of others. Instructors and the Administrative Staff will continue to remind students and employees of their need to remain security conscious throughout their enrollment or employment.
- 4 Headlines Academy has a policy to inform students and employees about crime prevention and is a one on one Instructor to Student, Supervisor to employee communication and the need to be security conscious.
- 5 Statistics concerning the occurrence on campus from January 1, 2011 to December 31, 2014 of the following criminal offenses reported to campus security authorities or local police agencies:

	On Campus			
	2012	2013	2014	2015
Murder/Non-negligent manslaughter	0	0	0	0
Negligent manslaughter	0	0	0	0
Sexual Offenses, forcible, non-forcible	0	0	0	0
Robbery	0	0	0	0
Aggravated Assault	0	0	0	0
Burglary/Breaking and Entering	0	0	0	0
Arson	0	0	0	0
Hate Crimes	0	0	0	0
Arrests	0	0	0	0
Disciplinary Actions	0	0	0	0

VII. Headlines has no recognized off-campus student organizations.

VII. Statistics concerning the number of arrests for the following crimes occurring on campus:  
 On Campus

	2012	2013	2014	2015
Liquor Law Violations	0	0	0	0
Drug Abuse Violations	0	0	0	0
Weapons Possession Violations	0	0	0	0

**Drug and Alcohol Abuse Programs available to students and Employees, as required by the Higher Education Act:**

Available Rehabilitation and Treatment

Drug and alcohol counseling and rehabilitation referrals are available through the Director of Student Services, (605)348-4247

In addition, help is also available through the following:

Alcoholics Anonymous  
 (605)343-1091

Narcotics Anonymous  
 (605)394-8008

- 1 Any student or employee who is involved in the following will be subject to Disciplinary actions, up to and including suspension or termination from the institution:
- 2 Engages in vandalism or theft of school or student property
- 3 Acts in an obscene, vulgar or abusive manner
- 4 Attends school under the influence of or participates in the use or sale of a controlled, illegal or intoxicating substance.
- 5 Should a sex offense occur: Headlines Academy’s procedure will be followed, including who to contact, the importance of preserving evidence, options for the notification of local law enforcement officials, available counseling and any other services for victims. Should any crimes occur that are considered to represent a threat to Students and/or employees, they will be reported to local law enforcement in a timely manner so as to protect the Safety of staff and students.

Emergency Response/Evacuation Procedures- In the event of an emergency, students, faculty and staff will be notified via text message. Headlines Academy will perform an annual text of the emergency/evacuation text messaging system. All students are responsible for updating their telephone numbers with the Administrative Coordinators.

Registered Sexual Offenders- Individuals can find those individuals who are registered sex offenders from the South Dakota Department of Law Enforcement’s website.

**NOTES:**