



***2019 Annual Clery/Campus Security Report
Title IX/VAWA & Non Discrimination Policies***

The Spa Tech Manager of Compliance prepares an annual disclosure of its Campus Crime Statistics, which are published and made available each October 1. This report will include important safety information and detailed crime statistics for the previous three calendar years. Statistics include crimes reported to campus officials or local police authorities that occurred on any on-campus or non-campus building, or any public property. Statistics are compiled by type of crime and by location and reported annually to the U.S. Department of Education. These statistics are also made available to current and prospective students, as well as employees.

Spa Tech Institute, in accordance with these requirements and its philosophy of establishing and maintaining an environment of learning and a supportive climate in which to conduct the business and mission of the school, provides this report.

Spa Tech Institute values diversity and seeks talented students, faculty and staff from diverse backgrounds. Spa Tech Institute does not discriminate on the basis of race, color, sex, sexual orientation, gender identity, religion, creed, national or ethnic origin, citizenship status, age, disability, veteran status or any other legally protected class status in the administration of its admissions, financial aid, educational or in its employment practices.

Questions or complaints regarding this policy should be directed to the Equal Opportunity Officer and President of Spa Tech Institute, Kris Stecker, 126 High Street, Ipswich MA 01938 (978) 356-0414.

Date: August 28, 2019

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INTRODUCTION

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) is the landmark federal law, originally known as the Campus Security Act, that requires schools, universities and institutions across the United States to disclose information about crime on and around their campuses. The law is tied to an institution's participation in federal student financial aid programs and it applies to most institutions of higher education both public and private. The Act is enforced by the United States Department of Education.

The law was amended in 1992 to add a requirement that schools afford the victims of campus sexual assault, rights, and was amended again in 1998 to expand the reporting requirements. The 1998 amendments also formally named the law in memory of Jeanne Clery. Subsequent amendments in 2000 and 2008 added provisions dealing with registered sex offender notification and campus emergency response. The 2008 amendments also added a provision to protect crime victims, "whistle-blowers", and others from retaliation.

Spa Tech does not employ any private security. Therefore all incidents of criminal or emergency nature will receive an Internal School Investigation along with being reported to the local police department depending on the severity of the crime. The institute is in contact with local police departments annually to collect statistics for the crime and security report.

FOR PURPOSES OF REPORTING CLERY CRIME STATISTICS

- **On-Campus—defined as:** Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls or any building or property that is within or reasonably contiguous to the area identified in paragraph (1), that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).
- **Non-Campus Building Or Property—defined as:** Any building or property owned or controlled by a student organization that is officially recognized by the institution; or any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- **Public Property—defined as:** All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

POLICY FOR ADDRESSING CRIMINAL ACTIVITY OFF CAMPUS

Under Title IX, a school must process all complaints of sexual violence, regardless of where the conduct occurred. If a student is charged with an off-campus violation of federal, state, or local laws, the school reserves the right to take disciplinary action and impose sanctions against the student. Proceedings under this student code may be carried out prior to, simultaneously with, or following civil or criminal proceedings off-campus.

CAMPUS FACILITIES

WESTBROOK, MAINE The main entrance of the school is the only point of entrance to the school. The entrance includes the front desk as well as the front office monitors, the entrance and exits of all students, faculty and visitors to the school. Students wear name tags and all guests are escorted by students or staff while at the campus. All parking lots are well lit and maintained but the buddy system is encouraged.

IPSWICH, MA (CORPORATE OFFICES) As a small converted strip mall the school has multiple entrances for all offices and classrooms. However, the main entrance is clearly marked and the Campus Director has a clear view of the parking lot and entrances. Offices and classrooms are locked when not in use and the staff takes particular care in monitoring the activity. Additionally, the parking lot is exclusive to the school and monitored. Students wear name tags and all guests are escorted by students or staff while at the campus. All parking lots are well lit and maintained but the buddy system is encouraged.

PLYMOUTH, MA As a small commercial building with multiple businesses and points of entry, the staff is instructed to keep all rooms locked when not in use. The staff and students are taught to be vigilant of any unauthorized individuals on campus, including the fairly large parking lot, and instructed to notify the staff or any unusual or questionable activity. Students wear name tags and all guests are escorted by students or staff while at the campus. All parking lots are well lit and maintained but the buddy system is encouraged.

WESTBOROUGH, MA As a larger strip mall, each business has its own entrance but a shared parking facility. The school maintains a single entrance that is monitored by the front desk and front office while the doors are unlocked. All visitors must check in at the front desk. Students wear name tags and all guests are escorted by students or staff while at the campus. All parking lots are well lit and maintained but the buddy system is encouraged.

RESIDENCE HALLS

As a commuter school, Spa Tech Institute has no policy on the safety of residence halls.

EMERGENCY RESPONSE & EVACUATION PROCEDURES

Upon report or discovery of a campus emergency by the Campus Director (Title IX Coordinator), Management shall evaluate the situation and confirm that there is a significant campus emergency or dangerous situation on campus. Upon confirmation, the Campus Director, Director of Compliance and the President shall convene without delay and taking into account the safety of the community to evaluate the extent of the emergency and to determine the appropriate content of the notification and the appropriate segment(s) of the campus community to receive notification.

Emergency Notification System:

Notify your Campus Director who will use the Emergency Contact List for notifying students and staff of emergencies that require notification.

Follow the **Check-Call-Care Rule**—examples include;

- Health hazard, such as noxious fumes, boil water warnings or structural issues
- Safety warnings, such as hostile or dangerous person or persons on or near campus that pose a threat
- Fire, flood, chemical or electrical danger
- Power or plumbing outage that creates a hazard

SUCH NOTIFICATION WILL TYPICALLY CONTAIN:

- Date and time or time frame of incident.
- Brief description of incident.
- Information that will promote safety and aid in the prevention of similar crimes.

**EMERGENCY NOTIFICATION METHODS AVAILABLE AT SPA TECH
INSTITUTE AT ALL CAMPUSES ARE:**

FIRE ALARM SYSTEM: When a fire alarm is sounded, everyone must immediately vacate the building and walk calmly to the designated evacuation area.

MAIN SCHOOL MESSAGE FOR INCOMING CALLERS: at the direction of the President the Campus Director or designee will change the incoming message to reflect the emergency, which will override the existing incoming school message.

BROADCAST EMAIL NOTIFICATION: at the direction of the President or Campus Director will disseminate a broadcast e-mail throughout campus indicating the nature of the emergency.

The school will also attempt to text students that are affected by an emergency if the school has the student's text number.

NOTIFICATION SIGNAGE: at the direction of the President or Campus Director will direct Personnel to post notification signs at all entrances to Spa Tech Institute indicating the nature of the emergency.

COMMUNITY NOTIFICATION: In the event that a significant emergency or dangerous situation exists which may affect the greater community surrounding the school (i.e. City of Ipswich, Plymouth, Westborough, Massachusetts or Westbrook, Maine), and at the direction of the President or Campus Director, information will be disseminated to local TV and radio stations and made available via employee and student email, the school website (www.spatech.edu).

The safety of the community will be taken into account and, without delay, the notification system will be implemented, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. Spa Tech Institute will not issue an emergency notification if, in the professional judgment of the Campus Director, Director of Compliance, or the President, issuing such a notification will compromise efforts to assist a victim or contain, respond to, or otherwise mitigate the emergency.

SAFETY, OSHA REQUIREMENTS, FIRST AID & EMERGENCY ACTION PLAN

Safety and Security: Spa Tech has been and intends to continue to maintain a safe and comfortable work place and school environment. Should an employee or student be injured or become ill while on campus premises or if you know of a situation that could jeopardize the health or safety of others, you should report it immediately to your supervisor, the Campus Director or Instructor. All employees and students are requested to exercise common sense in the observation of simple precautions to protect their own safety and health and that of their fellow employees and students. Employees, students and customers are expressly forbidden from using tools, supplies and equipment that they are not trained and authorized to use. Additionally, employees, students and customers must not use tools, supplies or equipment for any uses other than those that the product is designed for.

Reporting Injuries: The Occupational Safety and Hazard Act (“OSHA”) requires that we keep records of all occupational injuries or illnesses which occur during the workday. State Worker’s Compensation Acts, also require that you report any sickness, illness or injury occurring on the job, no matter how slight. If you hurt yourself or become ill, contact your supervisor for assistance. For any illnesses or injuries which fall within the scope of our Worker’s Compensation (Worker’s Compensation applies only to employees) coverage, the school reserves the right to request a second opinion by a physician of the company’s choice. The school may request, that the employee be seen by a designated doctor or quality care provider; however, the employee may see their own doctor or care provider, as well. If you fail to report an injury, you may jeopardize your right to collect Worker’s Compensation payments or other health benefits. OSHA also protects your right to know about any health hazards which might be present on the job. We ask for your assistance in alerting management to any condition that could lead or contribute to an accident.

Incident Reports: Upon receiving a report of any criminal activity, injury or accident, the teacher, Campus Director of Education or Campus Director will respond by completing an incident report, which is reviewed by HR/Compliance Office. All incident reports should be sent to the HR/Compliance, 126 High Street, Ipswich, MA 01938 or sent to compliance@spatech.edu.

Emergency Action Plan: In case of fire or other occurrence necessitating emergency evacuation of the facility, please use normal doors to leave the building or fire doors so marked as "fire exits." Employees working in the office should meet in the parking lot, opposite the front door.

DRILLS & EXERCISES

Spa Tech will test the emergency response and evacuation procedures in April and October, annually, including:

- Tests that may be announced or unannounced.
- Publication of emergency response and evacuation procedures in conjunction with at least two test per calendar year.
- Documentation, for each test, including a description of the exercise, the date, time, and whether it was announced or unannounced.

TIMELY WARNING

Spa Tech Institute is committed to providing a safe educational and work environment which is free of violence, harassment and discrimination. As required by the Clery Act, Spa Tech Institute will initiate a timely warning to notify students, faculty and staff in response to Clery Act crimes reported to campus authorities or local police departments that occurred on Spa Tech's campus or covered public property, and, in the judgment of the President, Campus Director, or Director Compliance, constitute an ongoing or continuing threat to students or employees. The notification will be done by sending an "ALERT" message to all students, faculty and staff at their e-mail accounts, or mobile device. Depending on severity of the crime students could possibly receive a phone call from the Campus Director or other school administrator. When an alert is issued Spa Tech Institute will ensure the victim's name and other identifying information is confidential.

CAMPUS SECURITY & CRIME PREVENTION PROGRAMMING, RESOURCES ON EDUCATION, PREVENTION & AWARENESS

Spa Tech Institute will provide appropriate resources to promote the awareness of sexual and prohibited misconduct for all employees and students on an ongoing basis. Educational resources include an overview of the school's policies and procedures and relevant definitions, including prohibited conduct.

This will include information regarding:

- Safe and positive options for bystander intervention to prevent harm or intervene when there is at risk of domestic violence, sexual assault, or stalking.
- Non-retaliation policy for victim, accused or those reporting an incident.
- Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening.
- Identifying safe and effective intervention options, and taking action to intervene.
- Information on risk reduction.
- Discussion of the impact of alcohol and illegal drug use.
- Consent.
- Review of resources and reporting options available for students, faculty, and staff; and information about risk reduction, designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.
- Outlines procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including topics such as how to report such crimes, the importance of preserving evidence, and options for involving law enforcement.
- Reviews information about how the institution will protect the confidentiality of victims and other necessary parties.
- Provides an overview of information contained in the ASR, including procedures for institutional disciplinary action in cases of sexual assault.
- Outlines procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including topics such as how to report such crimes, the importance of preserving evidence, and options for involving law enforcement.

Reviews information about how the institution will protect the confidentiality of victims and other necessary parties;

Incoming students and new employees will receive primary prevention and awareness programming as part of their orientation.

This will include the following:

- That domestic violence, dating violence, sexual assault, and stalking are prohibited conduct.
- Defines, using definitions provided by both the Department of Education, as well as state law, what behaviors constitutes domestic violence, dating violence, sexual assault, and stalking.
- Defines what behaviors and actions constitute consent to sexual activity.
- Provides an overview of information contained in the ASR, including procedures for institutional disciplinary action in cases of sexual assault.

As part of Spa Tech'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, 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.

BYSTANDER INTERVENTION

Spa Tech Institute'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're 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

RISK REDUCTION

Spa Tech Institute's primary prevention and awareness program includes information on risk reduction. 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 - This includes:

- Avoiding Dangerous Situations.
- 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, 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.
- 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 housekeys, 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:

Distract. 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.

REPORTING SEXUAL MISCONDUCT

Students may be reluctant to report instances of sexual misconduct because they fear being disciplined pursuant to the Spa Tech's alcohol or drug policies. The school 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, Spa Tech Institute will respond educationally rather than punitively to student alcohol or drug policy violations associated with reported sexual misconduct.

SCHOOL POLICY ON CONFIDENTIALITY

Spa Tech Institute 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. **(PLEASE REFER TO PAGE (23) FOR THE POLICY ON PRIVACY AND CONFIDENTIALITY)**

PREVENTING & REPORTING CRIMES

Employees, contract workers, students, vendors or other persons who do business with the Institute are all subject to this policy. Spa Tech Institute students, employees, and faculty are reminded that they can participate in crime prevention by:

Ensuring all doors are locked after business hours

- Required to report suspicious behavior to supervisor
- Be aware of surroundings
- Do not leave cars unlocked while in class or during work
- At night use the buddy system when leaving the building
- Check the backseat of the car before getting in

Spa Tech encourages the accurate and prompt reporting of all crimes to campus authorities and appropriate law enforcement agencies when the victim of a crime elects to, or is unable to, make such a report. Victims or witnesses may report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

LOCAL POLICE DEPARTMENTS:

IPSWICH, MA	PLYMOUTH, MA	WESTBOROUGH, MA	WESTBROOK, ME
(978) 356-4343	(508) 830-4218	(508) 366-3060	(207) 854-0644

POLICY ADDRESSING ALCOHOL, ILLEGAL DRUGS, & SUBSTANCE ABUSE EDUCATION

Possession, use or sale of firearms, alcohol, drugs and other illegal substances are prohibited on the campuses of Spa Tech Institute or as a part of any off campus school-related activity. Students or employees who violate these restrictions are subject to appropriate disciplinary action up to and including suspension, expulsion, or discharge and shall also be subject to referral for criminal prosecution.

The school policies on Alcohol, Firearms or weapons on Campus, and Substance Abuse are clearly defined in the Student Code of Conduct as required by the Higher Education Act and Drug-Free School and Campuses regulations of 1990, and also in the Policies & Procedures section of Spa Tech's website, and in the Employee Handbook. Specific sanctions, health risks, treatment and educational initiatives are outlined in these documents, which are available from the Campus Director of Education or Campus Director, in the Corporate Compliance Office, Human Resource offices, and on the Spa Tech website, www.spatech.edu.

Violators of Spa Tech's drug policies are subject to severe sanctions including, but not limited to suspension and expulsion from the campus. Unlawful possession of a controlled substance is prohibited, as defined by Massachusetts General Law (MGL) Chapter 94C, Section 32, which states no person knowingly or intentionally shall "possess a controlled substance, unless such substance was obtained directly, or pursuant to a valid prescription or order; from a practitioner while acting in the course of his professional practice, or except as otherwise authorized by the provisions of this chapter."

VIOLENCE AGAINST WOMEN ACT (VAWA)

VAWA is designed to end violence against women and was reauthorized in both 2000 and 2005. Under VAWA, Sexual Harassment, Sexual Assault, Sexual Violence, Domestic Violence, Dating Violence, and Stalking are prohibited at educational institutions. Spa Tech Institute prohibits the acts of Sexual Harassment, Sexual Violence, Sexual Assault, Domestic Violence, Dating Violence, and Stalking. To ensure students and employees are safe a firm comprehensive plan to enforce strict policy and education to students and employees to identify domestic violence, sexual assault, dating violence, stalking and sexual harassment is in place.

DOMESTIC VIOLENCE

Is a pattern of abusive behavior that is used by an intimate partner to gain or maintain power and control over the other intimate partner. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behavior that intimidates, manipulates, humiliates isolates, frightens, terrorizes, coerces, threatens, blames, hurts, injures, or wounds someone.

A felony or misdemeanor crime of violence committed—

1. By a current or former spouse or intimate partner of the victim;
2. By a person with whom the victim shares a child in common;
3. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. 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
5. 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.

SEXUAL ASSAULT

Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Unified Crime Reporting ("UCR") program.

Rape: The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Sex Offenses - Any sexual act directed against another person, *without the consent of the victim*, including instances where the victim is incapable of giving consent.

- A. **Fondling**—The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- B. **Incest**—Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- C. **Statutory Rape**—Sexual intercourse with a person who is under the statutory age of consent.

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 purposes of this definition—

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

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.

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

CONSENT

Department of Education considered and **chose not** to define consent for VAWA purposes.

At minimum, the definition should recognize that:

- Consent is a voluntary agreement to engage in sexual activity.
- Someone who is incapacitated cannot consent.
- 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 imply consent to engage in sexual activity with another.
- Consent can be withdrawn at any time; and
- Coercion, force, or threat of either invalidates consent.

AFFIRMATIVE CONSENT

- “Affirmative consent” is defined as an affirmative, conscious, and voluntary agreement to engage in sexual activity.
- Neither the lack of protest or resistance, nor silence constitutes consent, and consent may be withdrawn at any time.
- Affirmative consent must be given by all parties to sexual activity.
- Often referred to as “Yes Means Yes”
- This is the legal standard for consent in California and New York.
- Standard under consideration in other states.

MASSACHUSETTS DOES NOT DEFINE CONSENT

Massachusetts does not define “**sexual assault**,” but defines similar crimes.

“**Rape**” is sexual intercourse or unnatural sexual intercourse with a person and compelling such person to submit by force and against his will, or compelling such person to submit by threat of bodily injury. Mass. Gen. Laws ch. 265 § 22

“**Stalking**” means willfully and maliciously engaging in a knowing pattern of conduct or series of acts over a period of time directed at a specific person which seriously alarms or annoys that person and would cause a reasonable person to suffer substantial emotional distress, and making a threat with the intent to place the person in imminent fear of death or bodily injury. Mass. Gen. Law ch. 265 § 43

“**Domestic abuse**” or “**dating abuse**” means the occurrence of one or more of the following between family or household members: (1) attempting to cause or causing physical harm; (2) placing another in fear of imminent serious physical harm; (3) causing another to engage involuntarily in sexual relations by force, threat, or duress. Family or household members include persons who are or have been in a substantive dating or engagement relationship. Mass. Gen. Laws ch. 209A § 1.

MAINE DOES NOT DEFINE CONSENT

“**Sexual assault**” means engaging in a sexual act with another person if the other person submits as a result of compulsion or the other person is less than fourteen years of age. Me. Rev. Stat. § 253.

“**Stalking**” means intentionally or knowingly engaging in a course of conduct directed at or concerning a specific person that would cause a reasonable person (1) to suffer serious inconvenience or emotional distress; (2) to fear bodily injury or to fear bodily injury to a close relation; (3) to fear death or to fear the death of a close relation; (4) to fear damage or destruction to or tampering with property; or (5) to fear injury to or the death of an animal owned by or in possession and control of that specific person.

“**Domestic abuse**” or “**dating abuse**” means the occurrence of one or more of the following between family or household members or dating partners: (1) attempting to cause or causing bodily injury or offensive physical contact, including sexual assaults; (2) attempting to place or placing another in fear of bodily injury through any course of conduct; (3) compelling a person by force, threat of force, or intimidation to engage in conduct from which the person has a right or privilege to abstain from; (4) knowingly restricting substantially the movements of another person without that person’s consent or other lawful authority; (5) communicating to a person a threat to commit, or to cause

to be committed, a crime of violence dangerous to human life against the person to Whom the communication is made or another, and the natural and probable consequence of the threat, whether or not that consequence in fact occurs, is to place the person to whom the threat is communicated, or the person against whom the threat is made, in reasonable fear that the crime will be committed; or (6) repeatedly and without reasonable cause following the plaintiff or being at or in the vicinity of the plaintiff's home, school, business or place of employment. Me. Rev. Stat. § 4002.

SEX OFFENDER REGISTRY

Information on all registered Level 3 sex offenders in Massachusetts is available to the general public at:

<https://www.mass.gov/orgs/sex-offender-registry-board> or;

by contacting the Commonwealth of Massachusetts, Sex Offender Registry Board, P.O. Box 392, North Billerica, MA 01862 Tel: (978) 740-6400.

Information on all registered Level 3 sex offenders in Maine is available to the general public at:

<http://sor.informe.org/cgi-bin/sor/index.pl> or;

by contacting the Maine Sex Offender Registry at (207) 624-7270

Penalties for Improper Use of Sex Offender Registry Information contained in the Sex Offender Registry shall not be used to commit a crime against an offender or to engage in illegal discrimination or harassment of an offender. Any person who improperly uses Sex Offender Registry information shall be punished by not more than two and one-half years in the house of correction or by a fine of not more than \$1,000 or by both such fine and imprisonment.

PROCEDURES VICTIMS SHOULD FOLLOW WHEN REPORTING CRIMES OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING

If you believe that you have experienced dating violence, domestic violence, sexual assault, or stalking, notify your instructor, supervisor, Title IX Coordinator, or Director of Compliance, as soon as possible.

Victims have the option to notify local law enforcement authorities, including local police, even if they do not plan to file a grievance with the school. Spa Tech will assist victims in contacting the appropriate local authorities.

Victims also have the right to decline to notify such authorities. In addition, victims may request that a no-contact order be put in place by the institution upon reporting the incident to a school official. **Regardless of whether the student requests a criminal investigation, the school will conduct an independent internal investigation.**

WHO TO CONTACT

In response to all complaints, Spa Tech uses one grievance procedure to investigate and respond to claims of harassment or discrimination, including claims of sexual assault, domestic violence, dating violence, or stalking.

It is very important to understand that once a claim is filed, the school is obligated to conduct a thorough and complete investigation. It's very important to understand that frivolous reports can lead to disciplinary actions by the school.

Any student, employee, client or visitor to the school filing a Title IX Complaint to the school shall report the incident to the Campus Director of Education and/or the Campus Director (Title IX Coordinator) who will bring it to the attention of the Title IX Corporate Coordinator(s):

Corporate Title IX Coordinators:

- ⇒ Kris Stecker, President and Director of Compliance (978) 356-0414 x1000
- ⇒ Donna Ali, Manager of HR and Compliance (978) 356-0980 x3

Corporate mailing address: 126 High St., Ipswich, MA 01938

On-Site Deputy Title IX Coordinators:

- ⇒ Ipswich Campus, 126 High Street
Gia Stillman (978) 356-0414 x2001
- ⇒ Plymouth Campus, 59 Industrial Park Road
Jon Schmaling (508) 747-3130 x3001
- ⇒ Westborough Campus, 227 Turnpike Road
Thomas Ryan (508) 836-8864 x4001
- ⇒ Westbrook, Maine Campus, 100 Larrabee Road
(207) 591-4141 Charlotte Hanna x5005 or Peggy York x5001

Local Police Departments:

IPSWICH, MA	PLYMOUTH, MA	WESTBOROUGH, MA	WESTBROOK, ME
(978) 356-4343	(508) 830-4218	(508) 366-3060	(207) 854-0644

TO FILE A TITLE IX COMPLAINT, PLEASE COMPLETE THE FOLLOWING STEPS

Go to: <http://info.spatech.edu/Compliance/Title%20IX%20Complaint%20Form.pdf>

1. **Print the complaint form.**
2. Completely fill out the Complaint Form providing detailed information.
3. Print name.
4. Sign the signature line and date The Title IX Complaint Form.
5. Bring the complaint to the campus Title IX Coordinator.
6. The Campus Title IX coordinator will then Print their name, Sign the signature line and date the document.

Spa Tech will protect the confidentiality of victims and other necessary parties by completing publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim. Spa Tech will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality will not impair the ability of the institution to provide the accommodations or protective measures.

EVIDENCE PRESERVATION

Victims of sexual assault, domestic violence or dating violence should consider seeking medical attention as soon as possible.

- It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen where they were assaulted so that evidence necessary to prove criminal activity may be preserved.
- In circumstances where the victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address health concerns.
- Victims of sexual misconduct are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful in connection with a school or police investigation.
- It is important to preserve any evidence that may assist in proving that an alleged criminal offence occurred or may be helpful in obtaining a protective order.

OPTIONS FOR ASSISTANCE FOLLOWING AN INCIDENT

Victims will be provided with options for reasonable accommodations and available assistance in changing academic schedule, transportation, working situation, or protective measures as the case may warrant. The school makes the reasonable accommodations if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Spa Tech Institute 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. Victims of a sexual assault are encouraged to report the incident in a timely manner. Time is a critical factor for evidence collection and preservation.

Victims will be provided with written information regarding the following:

- Procedures to follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including:
- The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order.
- How and to whom the alleged offense should be reported.
- Information about how Spa Tech will protect the confidentiality of victims, including completing publicly available recordkeeping without inclusion of personally identifying information about the victim, and maintaining as confidential any accommodations or protective measures provided to the victim.
- Existing counselling, health, mental health, victim advocacy, legal assistance, student financial aid, and other services available for victims both within the institution and in the community.
- Options for available assistance in and how to request changes to academic, living, transportation, and working situations or protective measures. Spa Tech will make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement; and
- An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault or stalking.

SUPPORT & TREATMENT RESOURCES

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. Spa Tech Institute does not provide counseling or health care services. Title IX Coordinator will be limited to initial crisis assessment and referral.

There are many treatment and counseling options available locally and nationally through a number of agencies. **Information about the appropriate agencies for each campus is published at the end of this report.**

GRIEVANCE PROCEDURE

In response to all complaints, Spa Tech uses one grievance procedure to investigate and respond to claims of harassment or discrimination, including claims of sexual assault, domestic violence, dating violence, or stalking.

Spa Tech Institute promises to conduct a prompt, fair, and impartial investigation and proceeding conducted by officials who receive annual training on issues related to dating violence, domestic violence, sexual assault, and stalking, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Spa Tech's procedure begins with an intake meeting with the complainant. The purpose of this initial meeting is to:

- Inform the individual of their options under the grievance procedure, their option to notify local law enforcement, as well as accommodations, remedies, and counselling services available through the local community.
- Address the individual's request for confidentiality, if applicable.
- Understand the basic allegations or facts underlying the possible misconduct.
- Ensure the victim takes immediate steps to preserve any available evidence, particularly if the allegations involve sexual assault or sexual violence.
- Determine if accommodations or other interim action is necessary to protect the victim, the accused, or the Spa Tech community; and
- Assess whether the alleged misconduct could rise to the level of prohibited discrimination that warrants a Formal Investigation.

When a determination is made to proceed with a Formal Title IX Investigation, the Title IX Coordinator or their designee will be assigned to investigate the claim. When the Title IX investigator completes an investigation, they will summarize critical evidence and outline their findings and any recommended action necessary to address and remedy the discrimination in an Investigation Report. This summary will be reviewed by the Spa Tech Institute Title IX Review Committee to determine any appropriate disciplinary action. A copy of the Report will be provided to both the Complainant and the Respondent along with a date that the Report will be submitted to the Spa Tech Institute Title IX Review Committee for review and possible disciplinary action. Both the Complainant and Respondent will have 7 days to submit a written response to the Report to the Title IX investigator, which will accompany the Report when submitted to Spa Tech Institute Title IX Review Committee.

The Spa Tech Institute Title IX Review Committee has broad discretion to request that the investigator interview additional witnesses or collect additional information. The Spa Tech Institute Title IX Review Committee will issue a written Outcome Letter

including the finding(s) of fact, the rationale for the decision, and if applicable, any actions Spa Tech will take to provide accommodations to the Complainant, any institution-wide remedies are being considered or implemented, along with any disciplinary action taken.

Throughout the investigation both parties will be allowed to have others present, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice. Spa Tech will not limit the choice of advisor or the presence of advisor for either the accuser or the accused in any meeting or proceeding. Restrictions regarding the extent to which the advisor may participate in the proceedings will apply to both parties. Both parties will have an equal opportunity to present witnesses and other evidence. Spa Tech will equally protect the rights of both the accuser and the accused.

The Spa Tech Institute Title IX Review Committee will be some or all of the following depending on the severity of the complaint: President, VP of Education, Campus Director, Campus Director of Education, Director of Compliance, and Assistant Director of Compliance, legal counsel or outside agency trained in Title IX.

The preponderance of evidence standard will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking.

Spa Tech will, upon written request, disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this requirement. Sanctions the institution may impose following a final determination of an institutional disciplinary proceeding regarding rape, acquaintance rape or other forcible or no forcible sex offenses are outlined below.

If it is determined that inappropriate conduct has been committed by one of our students or employees, we will take such action as is appropriate under the circumstances. Such action may range from expulsion, or termination from Spa Tech Institute, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

The time necessary to conduct an investigation will vary depending on the complexity and severity of the offense and evidence. A general investigation completion goal of 60 days of received complaint is based on the availability of witnesses and the accused and accuser, but may take longer under certain circumstances. Both parties will be presented simultaneously with a written notice of (1) the result of the proceeding; (2) procedures for the accused and the victim to appeal the result of the proceeding; (3) any change to the result; and (4) when the results become final. Spa Tech will make every effort to complete a Title IX or harassment investigation within 60 calendar days after receiving notice of an allegation of harassment or discrimination.

The Title IX Coordinator may extend this timeframe for good cause. If the timeframe is extended, Spa Tech will apprise the parties of the progress of the investigation and provide updated timeframes.

PROTECTIVE MEASURES

The school will take appropriate protective measures at the campus following an allegation of dating violence, domestic violence, sexual assault, or stalking. These measures may include change of schedules, granting leave of absence request, notification of staff, teachers or students as agreed upon with the victim or other precautions such as providing escort to or from the parking lot or while on campus.

RETALIATION PROHIBITED

Spa Tech strictly prohibits retaliation against any individual who brings a good faith complaint under its Policy Prohibiting Harassment and Discrimination or participates in any portion of an investigation. Retaliatory conduct violates not only Spa Tech policy and Title IX, but may also violate state and federal law. Retaliation against anyone filing a complaint will not be tolerated.

POSSIBLE SANCTIONS

Spa Tech may impose one or more of the following sanctions following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking.

- **Verbal or Written Warning:** Notice that continuation or repetition of prohibited conduct maybe cause for additional disciplinary action.
- **Probation:** A written reprimand for violation of a specific regulation including the possibility of a more severe disciplinary sanction in the event of conviction for the violation of any other school regulation within a specified period of time stated in the letter of reprimand.
- **Suspension:** Termination of student status, as set forth in a notice of suspension, for a definite period of time.
- **Dismissal:** Termination of student status for an indefinite period of time. The conditions for re-admission, if any are permitted, shall be given in writing to the student at the time the action is taken.

The intent of the school is to impose sanctions in a progressive manner, beginning with the least punitive sanction. However, depending on the nature and severity of a student's violation the school reserves the right to impose any of the above-referenced sanctions at any time.

If requested by the victim, the Title IX Coordinator will assist with notification of authorities. However, if the victim requests that no report be filed, the school will respect the victim's request, subject to Spa Tech's obligations under state and federal law.

The school will also take all precautions to protect any confidential communication to the best of the school's ability provided it does not create an unsafe or dangerous situation or environment for the rest of the school or local community.

POLICY PROHIBITING HARASSMENT & DISCRIMINATION

Policy Statement Spa Tech Institute is committed to a policy of non-discrimination, equal opportunity, diversity and affirmative action. The purpose of this policy is to promote an academic and work environment that free from all forms of harassment and discrimination. Spa Tech Institute has zero tolerance for discrimination and will not unlawfully discriminate in admission, access to employment, educational programs and activities on the basis of race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity or sexual orientation, or previous assertion of a claim or right under the Maine or Massachusetts Workers' Compensation Act (depending on the location of the campus). Spa Tech Institute prohibits unlawful discrimination or discriminatory harassment on all of those bases. It is also the policy of Spa Tech Institute to provide each student, employee, and other person having dealings with the institution an environment free from unlawful sexual violence and all forms of sexual misconduct. We encourage all individuals to inform Spa Tech Institute about behavior that may be inappropriate or constitute harassment promptly, and before it becomes so serious that it interferes with your work or academic environment. We will work with students and employees to review their options for addressing the harassing behavior and tailor a response appropriate to the circumstances that effectively ends, remedies, and prevents any further misconduct. Because Spa Tech Institute takes allegations of discrimination and harassment seriously, we will respond promptly to complaints of harassment and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate. Please note that while this policy sets forth our goals of promoting a workplace and education setting that is free of discrimination and harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for workplace conduct or in an educational setting which we deem unacceptable, regardless of whether or not that conduct satisfies the definition of harassment.

DEFINITION OF HARASSMENT

Prohibited Conduct Harassment is prohibited under this policy if it is based upon an individual's race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity, gender expression, or sexual orientation. Harassing conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Sex-based harassment includes sexual harassment, which is further defined below, and gender-based harassment based on stereotypical notions of what is female/feminine v. male/masculine or a failure to conform to those gender stereotypes.

Definition of Sexual Harassment Sexual harassment is a form of sex discrimination prohibited under Title IX and will not be tolerated at Spa Tech. Sexual harassment is unwelcome conduct of a sexual nature. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other unwelcome verbal, visual, or physical conduct of a sexual nature. It also includes sexual violence, which is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due to the use of drugs or alcohol or intellectual disability. Sexual violence includes sexual assault, domestic violence, dating violence, and stalking.

Consent must be informed, freely given, and mutual. If coercion, intimidation, threats, or physical force are used there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the nature or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. There is no consent when there is force, either expressed or implied, or use of duress or deception upon the victim. Silence does not necessarily constitute consent. Past consent to sexual activities does not necessarily imply ongoing future consent. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent. Sexual harassment also includes quid pro quo harassment, where sexual conduct is made, either explicitly or implicitly, a term or condition of an individual's employment or academic advancement. Title IX also prohibits gender-based harassment, which may include acts of verbal, written, or physical aggression, intimidation, or hostility based on gender or gender-stereotyping, even if those acts do not involve conduct of a sexual nature.

WHEN HARASSMENT CREATES A HOSTILE ENVIRONMENT

A Hostile Environment based on race, color, religion, national origin, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, age, political ideas, marital or family status, pregnancy, physical or mental disability, genetic information, gender identity or sexual orientation, or previous assertion of a claim or right under the Maine or Massachusetts Workers' Compensation Act (depending on the location of the campus) exists when harassment:

- is sufficiently serious (i.e., severe, pervasive, or persistent) and offensive so as to deny or limit a person's ability to participate in or benefit from Spa Tech's programs, services, opportunities, or activities; or
- when such conduct has the purpose or effect of unreasonably interfering with an individual's education or employment.
- Gender-based harassment or sexual harassment constitutes sex discrimination if it is sufficiently severe or pervasive and has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creates an intimidating, hostile, or offensive working or academic environment. In some cases, a single act of sexual harassment or sexual violence, such as sexual assault, may be sufficiently severe to create a hostile environment and constitute discrimination.
- Any harassment that is sufficiently serious to create a hostile environment ("hostile environment harassment") violates this policy and may warrant serious disciplinary action up to expulsion or termination.
- In determining whether harassment has created a hostile environment, consideration will be made not only as to whether the conduct was unwelcome to the person who feels harassed, but also whether a reasonable person in a similar situation would have perceived the conduct as objectively offensive. The following factors will also be considered:
- The degree to which the conduct affected one or more students' education or individual's employment: The nature, scope, frequency, duration, and location of incident or incidents; and the identity, number, and relationships of persons involved

Some examples of sexual or gender-based harassment that may constitute sexual discrimination include the following:

- Suggestive or obscene letters, notes, or invitations if sufficiently severe or pervasive; derogatory comments, epithets, slurs or jokes if sufficiently severe or pervasive;
- Impeding or blocking movements, touching, or any physical interference with normal work or activities, if sufficiently severe or pervasive;
- Sexual oriented gestures, displaying sexually suggestive or derogatory objects, pictures, cartoons, or posters (the situation will be evaluated for appropriateness related to the educational or workplace objective(s))
- Unwelcome sexual flirtations, advances or propositions
- Unwelcome actions, words or comments based on an individual's gender
- Sexually suggestive or offensive personal references about an individual and subtle pressure or requests for dates or sexual activities
- Sexually explicit or offensive jokes and references, pictures and photographs, suggestive objects, verbal comments, leering or whistling.

Conduct that occurs off campus can be the subject of a complaint or report and will be investigated to determine whether it violates this policy, whether Spa Tech can effectively respond, and whether off-campus harassment has continuing effects that create a hostile environment on campus. We encourage individuals to report incidents involving harassment or sexual harassment, early and before they rise to the level of behavior that may constitute discrimination. Behavior of a sexual nature that does not rise to the level of discrimination may be unprofessional or disruptive in the work and academic setting and is a violation of this policy that may warrant remedial or disciplinary action.

PRIVACY & CONFIDENTIALITY

Spa Tech understands that claims of harassment, discrimination, or sexual violence can be sensitive. If the complainant requests confidentiality or asks that the complaint or disciplinary action not be pursued against the alleged perpetrator, Spa Tech will take all reasonable steps to investigate and respond to the complaint consistent with the individual's request. Such steps may include, for example, recommending local counselling services, offering accommodations, providing the campus with additional training on relevant issues, and implementing other measures independent of disciplinary action that could assist the complainant or address the harassment without disclosing the individual's identity. However, confidentiality cannot be guaranteed in every situation. Following notice of an incident, Spa Tech must weigh a request for confidentiality or request not to pursue a formal investigation and disciplinary action with its responsibility to provide a safe, non-discriminatory environment to all students and employees. Thus, in some cases, it may be necessary to explain to the individual that confidentiality may not be ensured, pursue an investigation, and take all necessary steps to end the alleged misconduct and prevent its recurrence. The Title IX Coordinator, in consultation with the Campus Director at the location where the claim originates as necessary, will be the final authority on the degree to which Spa Tech can ensure confidentiality in a specific case. In weighing a request for confidentiality and whether to pursue a formal investigation of an incident, the Title IX Coordinator will consider the seriousness of the alleged harassment; complainant's age; and if there have been other complaints about the same individual.

COMPLAINTS OF HARASSMENT OR DISCRIMINATION

Spa Tech has developed the one grievance procedure for individuals who have experienced sexual harassment or sexual violence, including domestic violence, dating violence, sexual assault or stalking as well as harassment on the basis of race, color, whistle-blower activity, religion, ancestry or national origin, age, physical or mental disability. The grievance procedure applies to complaints against students, employees, or third parties. The process has been designed to ensure each complaint is thoroughly investigated and provides a prompt and equitable resolution. All Spa Tech employees involved in the grievance procedure will receive training annually on how to conduct a fair and impartial investigation into matters involving harassment, including sexual harassment and sexual violence. **Notify Appropriate Personnel:** A student or employee may file a complaint with Spa Tech Institute by filling out a Title IX Complaint form and giving it to a Title IX Coordinator, Campus Director, Human Resources Department, or Director of Compliance .

Please refer to page (16) Who to Contact—on how to report/file a complaint

At the request of the student or employee, Spa Tech staff members will assist the individual in contacting local police and pursuing a criminal complaint or obtaining a protective order from local police in claims involving sexual assault, including domestic violence, dating violence, or stalking. Spa Tech will not wait for the conclusion of a criminal investigation or criminal proceeding to begin its own investigation and if necessary, will take immediate steps to protect the student or employee in the educational or employment setting.

PRELIMINARY CONFERENCE, RESPONSE, & COMPLAINT REVIEW

If Spa Tech receives a complaint from a student or employee or otherwise becomes aware of conduct that may constitute sexual harassment or sex discrimination, the Title IX Coordinator will conduct a preliminary conference with the complainant as soon as possible and a copy of this policy will be provided to the victim. The purpose of this initial meeting is to:

- Inform the individual of their options under the grievance procedure, their option to notify local law enforcement, and as well as accommodations, remedies, and counselling services available through the local community.
- Address the individual's request for confidentiality, if applicable.
- Understand the basic allegations or facts underlying the possible misconduct.
- Ensure the victim takes immediate steps to preserve any available evidence, particularly if the allegations involve sexual assault or sexual violence.
- Determine if accommodations or other interim action is necessary to protect the victim, the accused, or the Spa Tech community; and
- Assess whether the alleged misconduct could rise to the level of prohibited discrimination that warrants a Formal Investigation.

FORMAL INVESTIGATION & GRIEVANCE PROCEDURE

Assigning an Investigator: When a determination is made to proceed with a Formal Title IX Investigation, the Title IX Coordinator or their designee will be assigned to investigate the claim.

Appropriate Notice: Throughout the investigation, both the Complainant and the Respondent will be afforded equal reasonable notice to prepare for any meeting or interview. At the outset of the Formal Investigation, the investigator will advise the Respondent of the allegations against him or her in writing and a copy will be provided to the Complainant.

Equal Opportunity to Participate: Both the Respondent and the Complainant will have an equal opportunity to participate in the investigation. Both parties will have an equal opportunity to give statements, provide evidence, and request that the investigator meet with relevant witnesses. Both Parties may be accompanied by one advisor of their choosing to any meeting or proceeding during an investigation. The advisor may be a member of the Spa Tech community, a friend or family member, or any other counselor of the individual's choosing. However, advisors are strictly prohibited from making statements or responding on behalf of an individual in any meeting unless requested to do so directly by Spa Tech staff.

Evidentiary Determinations: The investigator has broad discretion in determining whether a witness' statements or documentary evidence is relevant to a determination. The investigator may be asked to address why or why not certain statements or other evidence were relevant in the Investigation Report.

Standard of Review: The investigation procedure will determine findings of fact using the preponderance of the evidence standard. This "preponderance of the evidence" standard requires that the evidence supporting each finding be more convincing than the evidence in opposition to it, meaning it must be more likely than not that the conduct at issue occurred.

Possible Sanctions: Not all forms of misconduct will be deemed to be equally serious offenses, and Spa Tech reserves the right to impose different sanctions depending on the severity of the offense and/or offender history.

Any student or employee found responsible for violating this policy may receive any of the following sanctions:

- Verbal or Written Warning
- Probation
- Suspension
- Expulsion Termination
- No contact (direct or indirect) with the victim
- Training on sexual misconduct or other programming

The Title IX Coordinator will also evaluate any request for accommodations in light of the information available. Under appropriate circumstances accommodations may include adjusting class or work schedules or affording students the opportunity to retake tests or coursework. Accommodations may also include referral to appropriate counseling services.

INVESTIGATION REPORT

When the Title IX investigator completes an investigation, they will summarize critical evidence and outline their findings and any recommended action necessary to address and remedy the discrimination in an Investigation Report. This summary will be reviewed by the Spa Tech Institute Title IX Review Committee, to determine any appropriate disciplinary action. A copy of the Report will be provided to both the Complainant and the Respondent along with a date that the Report will be submitted to the Spa Tech Institute Title IX Review Committee for review and possible disciplinary action. Both the Complainant and Respondent will have 7 days to submit a written response to the Report to the Title IX investigator, which will then accompany the Report when submitted to Spa Tech Institute Title IX Review Committee.

The Spa Tech Institute Title IX Review Committee has broad discretion to request that the investigator interview additional witnesses or collect additional information. The Spa Tech Institute Title IX Review Committee will issue a written Outcome Letter including the finding(s) of fact, the rationale for the decision, and if applicable, any actions Spa Tech will take to provide accommodations to the Complainant, any institution-wide remedies are being considered or implemented, along with any disciplinary action taken. An Outcome Letter will be provided to both parties, although the content of each letter may be modified subject to the limitations of FERPA and other relevant laws and considerations. Both parties will also be provided with information regarding their right to appeal the decision.

Spa Tech will make every effort to complete a Title IX or harassment investigation within 60 calendar days after receiving notice of an allegation of harassment or discrimination. The Title IX Coordinator may extend this timeframe for good cause. If the timeframe is extended, Spa Tech will apprise the parties of the progress of the investigation and provide updated timeframes.

Sexual Harassment Training in Maine (Required) It is required that all employees receive an education and training program within one year of commencement.

All Employees must complete training. For more information contact the Compliance Office at (978) 356-0980

OTHER SAFETY & SECURITY RESOURCES

Dept of Homeland Security (DHS) Active Shooter Preparedness

Active shooter incidents are often unpredictable and evolve quickly. In the midst of the chaos, anyone can play an integral role in mitigating the impacts of an active shooter incident. DHS aims to enhance preparedness through a "whole community" approach by providing products, tools, and resources to help you prepare for and respond to an active shooter incident. To access the most applicable information, visit: <https://www.dhs.gov/cisa/active-shooter-preparedness>

Federal Trade Commission: Headquarters:

600 Pennsylvania Avenue, NW
Washington, DC 20580

- ⇒ <https://www.ftc.gov/tips-advice/business-center/privacy-and-security/data-security>
- ⇒ <https://www.ftc.gov/news-events/audio-video/video/implement-strong-password-policies>
- ⇒ <https://www.ftc.gov/tips-advice/business-center/guidance/security-check-reducing-risks-your-computer-systems>
- ⇒ https://www.donotcall.gov/?utm_source=takeaction
- ⇒ https://www.identitytheft.gov/?utm_source=takeaction

CLERY CRIME STATISTICS FOR ALL SPA TECH INSTITUTE CAMPUSES

DATA YEARS: 2016, 2017, 2018

Spa Tech Institute Campus: 126 High Street, Ipswich, MA 01938			
OFFENSES	Year	On-Campus Property	Public Property
Murder/non negligent manslaughter	2016	0	0
	2017	0	0
	2018	0	0
Negligent manslaughter	2016	0	0
	2017	0	0
	2018	0	0
Rape	2016	0	0
	2017	0	0
	2018	0	0
Fondling	2016	0	0
	2017	0	0
	2018	0	0
Incest	2016	0	0
	2017	0	0
	2018	0	0
Statutory Rape	2016	0	0
	2017	0	0
	2018	0	0
Robbery	2016	0	0
	2017	0	0
	2018	0	0
Aggravated assault	2016	0	0
	2017	0	0
	2018	0	0
Burglary	2016	0	0
	2017	0	0
	2018	0	0
Motor vehicle theft	2016	0	0
	2017	0	0
	2018	0	0
Arson	2016	0	0
	2017	0	0
	2018	0	0
VAWA OFFENSES			
Domestic Violence	2016	0	0
	2017	0	0
	2018	0	0
Dating Violence	2016	0	0
	2017	0	0
	2018	0	0
Stalking	2016	0	0
	2017	0	0
	2018	0	0

HATE CRIMES	Year	On-Campus Property	Public Property
Murder/non negligent manslaughter	2016	0	0
	2017	0	0
	2018	0	0
Rape	2016	0	0
	2017	0	0
	2018	0	0
Fondling	2016	0	0
	2017	0	0
	2018	0	0
Incest	2016	0	0
	2017	0	0
	2018	0	0
Statutory Rape	2016	0	0
	2017	0	0
	2018	0	0
Robbery	2016	0	0
	2017	0	0
	2018	0	0
Aggravated assault	2016	0	0
	2017	0	0
	2018	0	0
Burglary	2016	0	0
	2017	0	0
	2018	0	0
Motor vehicle theft	2016	0	0
	2017	0	0
	2018	0	0
Arson	2016	0	0
	2017	0	0
	2018	0	0
Larceny-theft	2016	0	0
	2017	0	0
	2018	0	0
Simple assault	2016	0	0
	2017	0	0
	2018	0	0
Intimidation	2016	0	0
	2017	0	0
	2018	0	0
Destruction/damage/ vandalism of Property	2016	0	0
	2017	0	0
	2018	0	0
Arrests & Referrals for Disciplinary Action	2016	0	0
	2017	0	0
	2018	0	0
Weapons: carrying, possessing	2016	0	0
	2017	0	0
	2018	0	0
Drug Abuse Violations	2016	0	0
	2017	0	0
	2018	0	0
Liquor Law Violations	2016	0	0
	2017	0	0
	2018	0	0

Spa Tech Institute Campus: 100 Larrabee Road, Westbrook, ME 04092			
OFFENSES	Year	On-Campus Property	Public Property
Murder/non negligent manslaughter	2016	0	0
	2017	0	0
	2018	0	0
Negligent manslaughter	2016	0	0
	2017	0	0
	2018	0	0
Rape	2016	0	0
	2017	0	0
	2018	0	0
Fondling	2016	0	0
	2017	0	0
	2018	0	0
Incest	2016	0	0
	2017	0	0
	2018	0	0
Statutory Rape	2016	0	0
	2017	0	0
	2018	0	0
Robbery	2016	0	0
	2017	0	0
	2018	0	0
Aggravated assault	2016	0	0
	2017	0	0
	2018	0	0
Burglary	2016	0	0
	2017	0	0
	2018	0	0
Motor vehicle theft	2016	0	0
	2017	0	0
	2018	0	0
Arson	2016	0	0
	2017	0	0
	2018	0	0
VAWA OFFENSES			
Domestic Violence	2016	0	0
	2017	0	0
	2018	0	0
Dating Violence	2016	0	0
	2017	0	0
	2018	0	0
Stalking	2016	0	0
	2017	0	0
	2018	0	0

HATE CRIMES	Year	On-Campus Property	Public Property
Murder/non negligent manslaughter	2016	0	0
	2017	0	0
	2018	0	0
Rape	2016	0	0
	2017	0	0
	2018	0	0
Fondling	2016	0	0
	2017	0	0
	2018	0	0
Incest	2016	0	0
	2017	0	0
	2018	0	0
Statutory Rape	2016	0	0
	2017	0	0
	2018	0	0
Robbery	2016	0	0
	2017	0	0
	2018	0	0
Aggravated assault	2016	0	0
	2017	0	0
	2018	0	0
Burglary	2016	0	0
	2017	0	0
	2018	0	0
Motor vehicle theft	2016	0	0
	2017	0	0
	2018	0	0
Arson	2016	0	0
	2017	0	0
	2018	0	0
Larceny-theft	2016	0	0
	2017	0	0
	2018	0	0
Simple assault	2016	0	0
	2017	0	0
	2018	0	0
Intimidation	2016	0	0
	2017	0	0
	2018	0	0
Destruction/damage/ vandalism of Property	2016	0	0
	2017	0	0
	2018	0	0
Arrests & Referrals for Disciplinary Action	2016	0	0
	2017	0	0
	2018	0	0
Weapons: carrying, possessing	2016	0	0
	2017	0	0
	2018	0	0
Drug Abuse Violations	2016	0	0
	2017	0	0
	2018	0	0
Liquor Law Violations	2016	0	0
	2017	0	0
	2018	0	0

Spa Tech Institute Campus: 59 Industrial Park Road, Plymouth, MA 02360			
OFFENSES	Year	On-Campus Property	Public Property
Murder/non negligent manslaughter	2016	0	0
	2017	0	0
	2018	0	0
Negligent manslaughter	2016	0	0
	2017	0	0
	2018	0	0
Rape	2016	0	0
	2017	0	0
	2018	0	0
Fondling	2016	0	0
	2017	0	0
	2018	0	0
Incest	2016	0	0
	2017	0	0
	2018	0	0
Statutory Rape	2016	0	0
	2017	0	0
	2018	0	0
Robbery	2016	0	0
	2017	0	0
	2018	0	0
Aggravated assault	2016	0	0
	2017	0	0
	2018	0	0
Burglary	2016	0	0
	2017	0	0
	2018	0	0
Motor vehicle theft	2016	0	0
	2017	0	0
	2018	0	0
Arson	2016	0	0
	2017	0	0
	2018	0	0
VAWA OFFENSES			
Domestic Violence	2016	0	0
	2017	0	0
	2018	0	0
Dating Violence	2016	0	0
	2017	0	0
	2018	0	0
Stalking	2016	0	0
	2017	0	0
	2018	0	0

HATE CRIMES	Year	On-Campus Property	Public Property
Murder/non negligent manslaughter	2016	0	0
	2017	0	0
	2018	0	0
Rape	2016	0	0
	2017	0	0
	2018	0	0
Fondling	2016	0	0
	2017	0	0
	2018	0	0
Incest	2016	0	0
	2017	0	0
	2018	0	0
Statutory Rape	2016	0	0
	2017	0	0
	2018	0	0
Robbery	2016	0	0
	2017	0	0
	2018	0	0
Aggravated assault	2016	0	0
	2017	0	0
	2018	0	0
Burglary	2016	0	0
	2017	0	0
	2018	0	0
Motor vehicle theft	2016	0	0
	2017	0	0
	2018	0	0
Arson	2016	0	0
	2017	0	0
	2018	0	0
Larceny-theft	2016	0	0
	2017	0	0
	2018	0	0
Simple assault	2016	0	0
	2017	0	0
	2018	0	0
Intimidation	2016	0	0
	2017	0	0
	2018	0	0
Destruction/damage/ vandalism of Property	2016	0	0
	2017	0	0
	2018	0	0
Arrests & Referrals for Disciplinary Action	2016	0	0
	2017	0	0
	2018	0	0
Weapons: carrying, possessing	2016	0	0
	2017	0	0
	2018	0	0
Drug Abuse Violations	2016	0	0
	2017	0	0
	2018	0	0
Liquor Law Violations	2016	0	0
	2017	0	0
	2018	0	0

Spa Tech Institute Campus: 227 Turnpike Road, Suite 1, Westborough, MA 01581			
OFFENSES	Year	On-Campus Property	Public Property
Murder/non negligent manslaughter	2016	0	0
	2017	0	0
	2018	0	0
Negligent manslaughter	2016	0	0
	2017	0	0
	2018	0	0
Rape	2016	0	0
	2017	0	0
	2018	0	0
Fondling	2016	0	0
	2017	0	0
	2018	0	0
Incest	2016	0	0
	2017	0	0
	2018	0	0
Statutory Rape	2016	0	0
	2017	0	0
	2018	0	0
Robbery	2016	0	0
	2017	0	0
	2018	0	0
Aggravated assault	2016	0	0
	2017	0	0
	2018	0	0
Burglary	2016	0	0
	2017	0	0
	2018	0	0
Motor vehicle theft	2016	0	0
	2017	0	0
	2018	0	0
Arson	2016	0	0
	2017	0	0
	2018	0	0
VAWA OFFENSES			
Domestic Violence	2016	0	0
	2017	0	0
	2018	0	0
Dating Violence	2016	0	0
	2017	0	0
	2018	0	0
Stalking	2016	0	0
	2017	0	0
	2018	0	0

HATE CRIMES	Year	On-Campus Property	Public Property
Murder/non negligent manslaughter	2016	0	0
	2017	0	0
	2018	0	0
Rape	2016	0	0
	2017	0	0
	2018	0	0
Fondling	2016	0	0
	2017	0	0
	2018	0	0
Incest	2016	0	0
	2017	0	0
	2018	0	0
Statutory Rape	2016	0	0
	2017	0	0
	2018	0	0
Robbery	2016	0	0
	2017	0	0
	2018	0	0
Aggravated assault	2016	0	0
	2017	0	0
	2018	0	0
Burglary	2016	0	0
	2017	0	0
	2018	0	0
Motor vehicle theft	2016	0	0
	2017	0	0
	2018	0	0
Arson	2016	0	0
	2017	0	0
	2018	0	0
Larceny-theft	2016	0	0
	2017	0	0
	2018	0	0
Simple assault	2016	0	0
	2017	0	0
	2018	0	0
Intimidation	2016	0	0
	2017	0	0
	2018	0	0
Destruction/damage/ vandalism of Property	2016	0	0
	2017	0	0
	2018	0	0
Arrests & Referrals for Disciplinary Action	2016	0	0
	2017	0	0
	2018	0	0
Weapons: carrying, possessing	2016	0	0
	2017	0	0
	2018	0	0
Drug Abuse Violations	2016	0	0
	2017	0	0
	2018	0	0
Liquor Law Violations	2016	0	0
	2017	0	0
	2018	0	0