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The Fab School Complaint / Grievance and Appeal Policies and Procedures

Student Grievance/Complaint Procedures

Students are encouraged, at all times, to verbally communicate their concerns to members of the faculty and administration for amicable solutions. Students who encounter difficulties, problems, or have complaints, should first bring the matter to the attention of their instructor. If the instructor is unable to resolve the situation, the student is to meet with the Director of Student Services/Career Services. If the matter is still not resolved, it should be brought to the attention of the Director of Education for resolution.

Should the grievance/complaint not be resolved, the formal procedure is as follows: A written grievance must be submitted to the Executive Director within forty-eight (48) hours of the incident. The Executive Director will verify that the student has made a verbal attempt to resolve the concern with the instructor or another staff member. If the student has followed the above steps, the Executive Director will call a Grievance Committee Hearing within seventy-two (72) hours of receipt of the report.

All documentation must be submitted with the report that is to be signed and dated. The Executive Director will chair a committee meeting that will consist of not less than three representatives of the following departments, including but not limited to:

- A. Education Department
- B. Financial Aid Department
- C. Student Services Department

In addition, all persons involved with the incident must be present at the time of the hearing. The committee will hear all sides, and will immediately meet in the absence of those involved to review the evidence and vote on a decision. The decision of the committee will be communicated immediately.

If the decision is unacceptable to the student, the student must, within twenty-four (24) hours of the hearing, send copies of all documents and a cover letter explaining why the decision is unacceptable to the Executive Director. All complaints will be resolved within thirty (30) business days from the receipt date of the written grievance.

The aforementioned Student Grievance/Complaint Procedures do not apply to complaints involving sexual harassment/sexual violence. For those procedures, please see the following section pertaining to *Sexual Harassment / Sexual Violence Policy and Procedure*.

Sexual Harassment / Sexual Violence Policy and Procedure

The Fab School takes seriously issues pertaining to sexual harassment/sexual violence. If you believe that you have been the victim of sexual harassment/sexual violence that occurred on campus or was perpetrated by another The Fab School student or employee, please contact The Fab School's Executive Director/Title IX Coordinator to begin the process of investigating and hearing your claim:

David K. Hall
Executive Director & Title IX Coordinator
9571 Pittsburgh Avenue
Rancho Cucamonga, California 91730
Tel: (909) 493-3761 x 226 D.Hall@thefabschool.com

The Fab School prohibits any offenses of sexual harassment/violence including but not limited to: domestic violence, dating violence, sexual assault and stalking.

Programs for Prevention and Awareness

The Fab School educates the student community about sexual harassment/violence including sexual assault and date rape through the mandatory orientation prior to the start of each student's program. Literature on date rape education, risk reduction, and The Fab School response is available through the Executive Director.

Preventing and Responding to Sexual Offenses

If you are a victim of a sexual assault at this institution, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The Fab School 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. An assault should be reported directly to the Executive Director. Filing a police report with a police officer will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

- ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- 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 access to free confidential counseling from counselors specifically trained in the area of sexual
- assault crisis intervention.

The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and The Fab School, or only the latter. The Fab School representative (Executive Director) will guide the victim through the available options and support the victim in his or her decision. The Fab School does not offer on-campus counseling services, but The Fab School will help victims identify counseling and support services outside of The Fab School.

Definition of Consent

California has adopted the principle of "affirmative consent" when addressing issues of sexual violence. "Affirmative consent" means affirmative, conscious, and voluntary agreement to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity. Lack of protest or resistance does not mean consent, nor does silence mean consent. Affirmative consent must be ongoing throughout a sexual activity and can be revoked at any time. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent.

The Fab School Procedures and Proceedings Pertaining to Claims of Sexual Harassment/Violence

Preamble

The following sets forth The Fab School's procedures for handling alleged charges of sexual harassment/sexual violence that occur between: students, faculty, and staff in any combination thereof whether the alleged act occurred on-campus or off-campus or between students, faculty, or staff and third parties if the act occurred on-campus.

A. Definitions:

1. Charge: means an alleged act(s) of sexual harassment/sexual violence.
2. Charging Letter: document issued by The Fab School alleging that a respondent has committed an act of sexual harassment/sexual violence.
3. Complainant: the person who alleges that an act of sexual harassment/sexual violence has occurred and may include: students, faculty, and staff. A complainant may also include a third party if the alleged act of sexual harassment/sexual violence occurred on-campus and the respondent was/is a The Fab School student, faculty, or staff member.
4. No Findings Letter: document issued by The Fab School finding that there is not sufficient evidence to proceed with a charge.
5. Preponderance of the Evidence: standard of evidence used decide whether an act of sexual harassment/sexual violence has occurred. A person may be found to have committed an act of sexual harassment/sexual violence if the evidence presented shows that it is “more likely than not” (51% true) that the alleged act occurred.
6. Respondent: the person who is charged with committing an alleged act of sexual harassment/sexual violence against the complainant.
7. Response: The Respondent’s formal written response to the Charging Letter submitted pursuant to the procedures outlined below; or if a No Findings Letter is issued, then the Complainants formal written response to the Charging Letter submitted pursuant to the procedures below.
8. Sexual Harassment/Violence includes but is not limited to acts constitution sexual harassment, domestic violence, dating violence, sexual assault, stalking and all other similar acts.
9. Title IX: Title IX of the Higher Education Act which prohibits discrimination based upon gender. Gender discrimination includes acts of sexual harassment/sexual violence.
10. Title IX Coordinator: employee designated by The Fab School to oversee compliance with Title IX rules and regulations including overseeing the processing of charges of sexual harassment/violence.
11. Title IX Case Packet: a file specific to each case involving charges of sexual harassment/ sexual violence that includes but is not limited to:
 - a. The Charging Letter;
 - b. The Response (if any);
 - c. Witness statements and other written/photographic evidence (if any);
 - d. Written findings and decision of the Title IX Committee;
 - e. Any other documentation deemed necessary by the Title IX Committee.

B. Alleged Violations:

An alleged violation of the Student Code of Conduct that relates to sexual harassment/sexual violence shall be forwarded to The Fab School’s Title IX Coordinator:

David K. Hall
Executive Director & Title IX Coordinator
9571 Pittsburgh Avenue
Rancho Cucamonga, California 91730
Tel: (909) 493-3761 x 226 D.Hall@thefabschool.com

All alleged violations of the Student Code of Conduct involving sexual harassment/sexual violence shall be subject to a fair and impartial process in determining whether or not a violation has occurred.

C. Investigation:

1. Alleged violations of the Student Code of Conduct involving sexual harassment/sexual violence shall be investigated in a prompt, thorough, impartial, and reasonable manner.
2. The investigation will be conducted by the Title IX Coordinator or designee who receive training on the issues related to domestic violence, dating violence, sexual assault and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

3. The investigation shall gather relevant evidence, including, but not limited to, pertinent documents and statements from witnesses. Investigations will be conducted within 60 days barring any unusual complexity.
4. While an alleged violation is being investigated, a student may be removed from class, campus sanctioned events, and other The Fab School functions pending the investigation.
5. Both parties will be given the opportunity to present written or verbal statements to the Title IX Coordinator or designee who is conducting the investigation.

D. Preliminary Decision/Notification:

1. After the investigation is completed, both parties will be promptly notified of the results of the investigation in writing by certified mail United States Postal Service (USPS) and/or by any additional means which may validate proof of receipt.
2. If a violation is found to have occurred a Charging Letter will be issued detailing the charges and recommending possible sanctions or other action.
3. If a violation is not found to have occurred a No Findings Letter will be issued, both parties will be so notified in writing.

E. Response / Final Decision

A student who is charged with a violation of the Student Code of Conduct involving sexual harassment/sexual violence shall be given ten (10) calendar days to submit a written response to the Title IX Coordinator. Failure of a student to respond to the Charging Letter shall result in The Fab School continuing with processing the charge of alleged sexual harassment/sexual violence without input from the charged student.

If no violation is found, the Complainant may submit a response in writing within ten (10) calendars days of the date of the No Findings Letter.

1. A Response shall be in writing and must be submitted within ten (10) calendar days of the date of the Charging/No Findings Letter. The Title IX Coordinator may grant additional time to respond if a written request is received prior to the expiration of the ten-day deadline.
2. Any written, photographic, or other evidence (including witness statements) must be attached to the Response; evidence not included with the Response will not be considered. Additional evidence not included with the Response may be considered if a written request to consider additional evidence is submitted to the Title IX Coordinator before the time set for any hearing in this matter.
3. The Parties shall be notified of any grant of additional time for filing a Response and/or the grant of any request to submit additional evidence.
4. Within five (5) calendar days of receiving a Response, a final decision by the Title IX Coordinator or designee shall be issued. Notice of the final decision shall be promptly issued to all parties. If no Response is received within the time required by this procedure, then the Preliminary Decision shall become final.

F. Title IX Committee:

Upon conclusion of the investigation and the rendering of a Final Decision, either party may request a hearing before a Title IX Committee as set forth below within five (5) calendar days of the date of the Final Decision.

1. The Title IX Committee composition shall be at least three impartial individuals who have no prior involvement with the parties or the investigation and shall consist of any mix of The Fab School faculty or staff.
2. The Title IX Committee shall use the preponderance of the evidence standard of proof (more likely than not) to weigh the evidence and determine whether a violation occurred and what sanction, if any, is warranted.
3. Upon convening the Title IX Committee shall designate a member as the Committee Chair.
4. The Title IX Coordinator shall not be a member of the Committee nor shall any designee who may have conducted the investigation. Upon request the Title IX Coordinator or designee who conducted the investigation may come before the Committee to answer any questions about the investigation.

G. Committee Process:

1. Students shall be afforded the opportunity to address the Committee to make a statement in their defense. This may be done via teleconference. Opposing parties shall separately address the committee to make a statement without the presence of the other party.
2. Students are not entitled to representation by an attorney or any other third party at any point in the process. However, in accordance with the Higher Education Opportunity Act (HEOA), in cases of an alleged sex discrimination/harassment, opposing parties are entitled to have third parties present during the committee process. (Note: The third party cannot be an attorney).
3. Tape, digital, or other electronic recording of the committee meeting is not permitted.
4. The Committee members are given a Title IX Case Packet with all relevant information for the committee meeting, including any written response received from the student. In Title IX cases, the Case Packet will include opposing parties' statements, all evidence discovered during the investigation, and any written witness statements the parties have submitted.
5. The Committee members sign a standard Confidentiality Statement for Committee Members and, after the Committee's deliberations; the Case Packets are collected and destroyed in order to maintain confidentiality.

H. Decision:

After considering all evidence, the Title IX Committee shall deliver written findings and decision.

Any decision rendered by the Title IX Committee shall be pursuant to the Preponderance of the Evidence Standard. The decision shall be delivered by United States Postal Service certified mail and/or by additional means which may validate proof of receipt. Opposing parties will receive notice of the outcome within thirty (30) calendar days of the close of the hearing.

In accordance with the requirements under the Higher Education Opportunity Act (HEOA), upon written request, The Fab School will disclose to an alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the institution against the student(s) who is/are the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the alleged crime or offense, The Fab School will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

In accordance with the requirements under the HEOA, in cases of an alleged sex discrimination/harassment, opposing parties will be informed of the Committee determination, including any sanction that is imposed.

I. Sanctions:

If a violation is found, disciplinary sanctions shall be based on the seriousness of the situation and may include, but are not limited to: suspension, expulsion, or that the Respondent attend sexual harassment/sexual violence training at the Respondent's expense as a precondition to continued attendance at The Fab School.

Statement of Non-Discrimination

The Fab School does not deny admission or discriminate against students currently enrolled at the school on the basis of race color, religion, sex, age, disabilities, financial status, national origin, marital status, sexual orientation, or any other legally protected status in any of the school's activities. The Fab School will reasonably accommodate applicants and students with disabilities to the extent required by applicable law. The following person with The Fab School has been designated to handle inquiries regarding the non-discrimination policies including Title IX issues:

David Hall
Executive Director & Title IX Coordinator
9571 Pittsburgh Avenue
Rancho Cucamonga, California 91730
Tel: (951) 782-0567 x 226 D.Hall@thefabschool.com

For further information on notice of non-discrimination, visit the United States Department of Education Office of Civil Rights website at: <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html> for information and the address and phone number of the office that serves your area, or call the Customer Service Team Hotline at 1-800-421-3481.

Any student who has been suspended or dismissed may appeal such action by The Fab School by following the Student Appeal Procedures outlined in The Fab School Catalog or as follows.

Student Appeal Procedures (Relating to SAP Policy and the Financial Aid Suspension Status Policy ONLY)

A student may appeal their placement on Financial Aid Suspension Status within three (3) business days of notification of their placement on Financial Aid Suspension status. Students may appeal if they meet the requirements to do so. Appeals may be granted for students who have extenuating circumstances that contributed to the failure to meet SAP (i.e. death in the family, injury or illness of the student or immediate family, or other special circumstances). The Appeal must detail and document the circumstances that caused the student to not make Satisfactory Academic Progress and what circumstances have changed that will allow the student to make Satisfactory Academic Progress. A Satisfactory Academic Progress Appeal Form must be completed and returned to the Financial Aid Department with any supporting documentation of extenuating circumstances.

A Satisfactory Academic Progress Appeals Committee will review the Appeal and determine whether or not to grant the Appeal. If the Committee determines that good cause exists to grant the Appeal, the student may then regain financial aid eligibility. Upon a successful Appeal, the student will be notified in writing within 48 hours and placed on Financial Aid Probation Status. Students not receiving Title IV funds need not file an appeal and will be placed on Academic Probation Status.

Upon the discretion of the Appeals Committee, the student may be placed on an Academic Plan, if it is deemed necessary by the Appeals Committee to assist the student in achieving Satisfactory Academic Progress. Any Academic Plan will be specifically tailored to the student's needs and circumstances at that time.

The length of any such probation status shall continue in place for the student's remaining enrollment period, up to a timeframe of 150% of the student's enrollment. At the end of the period of Academic/Financial Aid Probation, the student's cumulative grade point average and minimum pace of completion shall be reviewed. If the student does not achieve Satisfactory Academic Progress or meet the requirements of the Academic Plan, if any, by the next benchmark, the student's financial aid eligibility shall be terminated and no appeal shall be allowed.

A student who is withdrawn by The Fab School may appeal the determination by the School to be withdrawn from a given module or subject area by following the prescribed steps as identified in The Fab School Catalog.

A student may appeal the determination of Unsatisfactory Academic Progress and/or their dismissal, based upon extenuating circumstances by following the Student Appeals Procedure.

A student dismissed for any reason, including unsatisfactory or unprofessional behavior or conduct as noted above, may request reinstatement as an active student into their program by following the procedures set forth under the Student Appeal Procedure and Reinstatement sections in this document or The Fab School Catalog. There are special procedures for acts involving sexual harassment/sexual violence, please contact The Fab School's Executive Director for more information: Email: D.Hall@thefabschool.com

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Student Appeal Procedures (Not related to the Satisfactory Academic Progress Policy)

A student, who wishes to appeal any disciplinary action and/or decision made by an Instructor or School Administration (for an appeal of Financial Aid Suspension Status, see the Satisfactory Academic Progress Policy), must submit a written letter to the Executive Director to be reviewed by an Appeals Board. Students must provide supporting documentation along with their letter in order to support his/her position and any mitigating circumstances that may have existed. This Appeals Board shall consist of not less than three (3) attending members. The Appeals Board shall be chaired by a School Administrator and consist of, but not be limited to, a representative from the Education Department, Financial Aid Department, and Student Services Department.

The student will be notified of the Appeals Board decision within thirty (30) business days following the receipt of the student's appeal. The decision of the Appeals Board shall be final.

Reinstatement

Students, who have been dismissed for lack of Satisfactory Academic Progress from their program of enrollment, may apply to the Executive Director, in writing, to be re-admitted to the school by following the Reinstatement Procedures outlined in The Fab School Catalog or as follows.

A prior student requesting to be reinstated as an active student, based on a positive Appeals Board decision, must do so in writing to the Executive Director for consideration. A copy of the Appeals Board decision must be included in or attached to the reinstatement request. The Executive Director will review the request and issue a Reinstated Status declaration within five (5) business days of having received the student's request, along with providing a revised schedule of classes.

A student who has been approved for reinstatement will do so with an Enrollment Agreement Addendum, if necessary, and will receive credit for all prior The Fab School payments received and coursework completed. Any increase in the tuition, books and/or supplies will be included on the addendum agreement, if applicable.

Schools accredited by the Council on Occupational Education must have a published procedure and operational plan for handling student complaints. If a student does not feel that the school has adequately addressed a complaint or concern, the student may consider contacting the Accrediting Commission. All complaints considered by the Commission must be in written form, with permission from the complainant(s) for the Commission to forward a copy of the complaint to the school for response. A copy of the Commission's Complaint Form is available at the school and may be obtained by a request to the Executive Director. The complainant(s) will be kept informed as to the status of the complaint as well as the final resolution by the Commission. Please direct all inquiries or concerns to: Council for Occupational Education (C.O.E.); 7840 Roswell Road, Building 300, Suite 325, Atlanta, Georgia 30350; Telephone (770) 3963898 or (800) 917-2081; www.council.org.

Persons seeking to resolve problems or complaints should first contact either the instructor, the Director of Career Services, Director of Education and/or Executive Director. A student or any member of the public may file a complaint about this institution with the Bureau for Private Postsecondary Education by calling (888) 370-7589 or by completing a complaint form, which can be obtained on the Bureau's Internet Website: www.bppe.ca.gov.

Any questions a student may have regarding a school complaint / grievance that have not been satisfactorily answered by The Fab School may be directed to the Bureau for Private Postsecondary Education at 2535 Capitol Oaks Drive, Suite #400, Sacramento, California 95833 (P.O. Box 980818, West Sacramento, California 95798-0818, or phone (888) 370-7589 or fax (916) 263-1897, or the Bureau's website: www.bppe.ca.gov.

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