



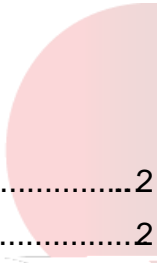
SEX DISCRIMINATION AND SEX-BASED HARASSMENT POLICY AND RESOLUTION PROCEDURES

August 1, 2024

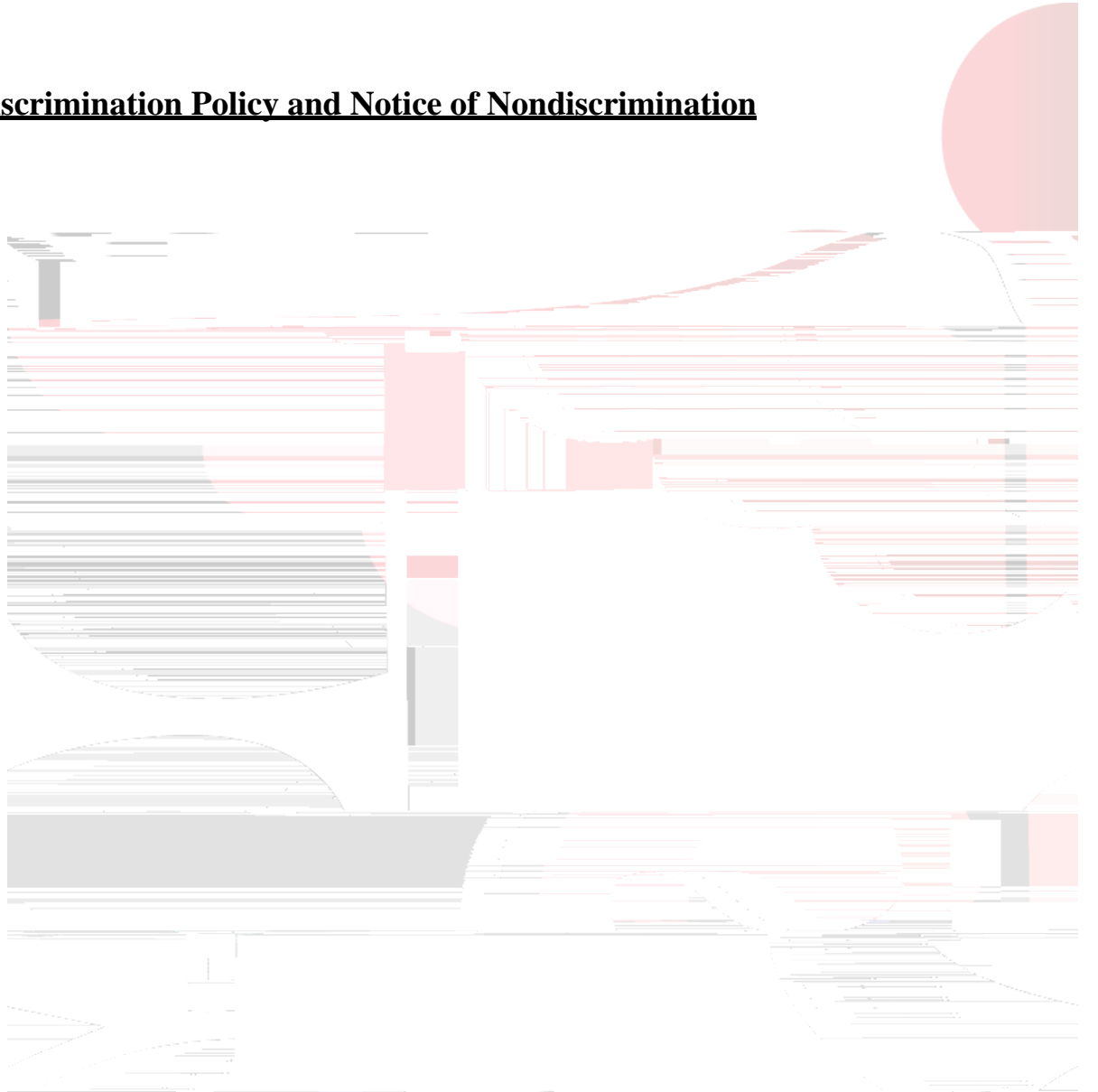
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Complaints:	



Title IX Non-Discrimination Policy and Notice of Nondiscrimination



- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based

CBD College will not, however, wait for the conclusion of any other internal or external resolution process including criminal proceedings, to begin its own investigation.

CBD College will take reasonable steps to protect the privacy of the parties and witnesses during grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors;





- Implement appeal procedures equally for the parties;
- Ensure that the decision maker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decision maker for the appeal has been trained consistent with the Title IX regulations;
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, CBD College will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the education program or activity.

Investigation:

CBD College will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on CBD College, not on the parties, to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

CBD College will provide an equal opportunity for the parties to present fact witnesses and documentary and exculpatory evidence that are relevant and not otherwise impermissible.

CBD College will review 0 612254..02 37929EMC /1

Questioning the Parties and Witnesses:



sanctions and/or remedies which may include

sanctioned)







Procedures for a Live Hearing:

CBD Collegewill conduct the live hearing with the parties physically present in the same geographic location or, at CBD discretion or upon the request of either party, will conduct a live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking.

Generally, the parties may not introduce evidence, including witness testimony, at the hearing that the party did not identify during the investigation, and that was available at the time of the investigation. However, the decisionmaker has discretion to accept, for good cause, or exclude, such new evidence at the hearing.

CBD College will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

Determination Whether Sex-Based Harassment Occurred:

Following an investigation and evaluation of all relevant and



Informal Resolution:

In lieu of resolving a complaint through CBD
elect to participate in an informal resolution process. CBD Collegewill inform the parties in writing of any
informal resolution process it offers and determines is appropriate. CBD Collegewill not offer informal
resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. Before
the initiation of an informal resolution process, CBD Collegewill explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process.

sanctioned)

the decision maker)



Appendix: Definitions (106.2)

Section 106.2 of the 2024 amendments includes a number of definitions. When those defined terms are used in this Resource, they have the meaning set forth in § 106.2. The 2024 amendments do not require a recipient to incorporate these definitions into their policies or grievance procedures, but we include key definitions

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 person 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.

Complainant means:

- (1) A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
- (2) A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to

- (A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or a person similarly situated to a spouse of the victim;
 - (B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - (C) Shares a child in common with the victim; or
 - (D) Commits acts against a youth or adult victim who is protected ~~from~~ acts under the family or domestic violence laws of the jurisdiction; or
- (iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- (A)