



Title IX Grievance Policy

Title IX of the Educational Amendments of 1972 prohibits any person in the United States from being discriminated against on the basis of sex in seeking access to any educational program or activity receiving federal financial assistance. Continental School of Beauty Culture (hereinafter referred to as "Continental" or "the School") is committed to providing a work and educational environment free of harassment and discrimination based on a protected class

To ensure compliance with federal and state laws and regulations, Continental has developed policies and procedures that provide a prompt, fair and impartial process for those involved in an allegation of discrimination or harassment.

As part of Continental's commitment to providing a harassment-free working and learning environment, this policy shall be disseminated to the School community through publications, the School website, new employee orientations, student orientations, and other appropriate channels of communication. The School will respond quickly to all reports, and will take appropriate action to prevent, correct, and if necessary, discipline behavior that violates this policy.

The School's anti-harassment and discrimination policy applies to all persons involved in the operation of the School, and prohibits unlawful harassment or discrimination by any employee of the School, as well as students, customers, contract workers, vendors or any other person who does business with the School.

Continental encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need and the school can respond appropriately. Reporting an incident of sexual violence to a Staff or Faculty member requires that person to report the incident to the Title IX Coordinator. The School will maintain privacy to the greatest extent possible but cannot guarantee confidentiality. Information disclosed to Staff and Faculty will be relayed, only as necessary to investigate and/or seek a resolution, to the Title IX Coordinator. For further information regarding confidentiality and privacy [click here](#).

Grievance Procedure

Any person may file a report or Formal Complaint of sex discrimination, including sexual harassment, or retaliation in person, by phone or by email or by any other means that results in the Title IX Coordinator receiving the report. If you believe that you have experienced or witnessed harassment or sexual violence, notify your instructor, school Director, supervisor, Human Resources, or the Title IX Coordinator as soon as possible after the incident. A formal complaint can be made at any time (including during non-business hours). Supervisors will refer all complaints to the Title IX Coordinator for student-related complaints and to the Human Resources Department if the complaint involves an employee.

Anonymous reports are accepted but can give rise to a need to investigate to determine if the parties can be identified. If not, no further formal action is taken, though measures intended to protect the community may be enacted. The School tries to provide supportive measures to all Complainants, which may be impossible with an anonymous report that does not identify the Complainant.

Title IX Coordinator:

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633 Jefferson Road, Rochester NY 14623
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Supportive Measures

Complainants who report allegations that could constitute covered sexual harassment under this policy, have the right to receive supportive measures from Continental regardless of whether they desire to file a complaint. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate and as reasonably available.

The School will maintain the confidentiality of the supportive measures, provided that confidentiality does not impair the School's ability to provide those supportive measures. Continental will act to ensure as minimal an impact on the parties as possible and will implement measures in a way that does not unreasonably burden the other party. These measures may include referral to out of school counseling, restrictions on contact between the parties, leaves of absence, increased monitoring in certain areas of the campus (as appropriate) and any other actions deemed appropriate by the Title IX Coordinator.

Emergency Removal

Continental School of Beauty retains the authority to remove a respondent from its programs or activities on an emergency basis, where the School initiates an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of a covered sexual harassment justifies removal.

If Continental determines such a removal is necessary, the respondent will be provided notice and an opportunity to dispute the decision, within three (3) business days following the removal. If the respondent disputes the removal, the administrator hearing the dispute will issue a decision within five (5) business days of the request.

Definitions

Sexual Harassment is defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education or interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile or offensive.

Quid Pro Quo sexual harassment occurs when a person of authority seeks sexual favors from a subordinate in return for some type of benefit. Whether a person resists and suffers the threatened harm or the person submits to avoid the threatened harm, both situations could constitute discrimination on the basis of sex.

A hostile environment can be created by persistent or pervasive conduct or by a single severe episode. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment. Sexual violence, including rape, sexual assault, and domestic and dating violence, is a form of sexual harassment. In addition, the following conduct may violate this policy:

1. Observing, photographing, videotaping, or making other visual or auditory records of sexual activity or nudity, where there is a reasonable expectation of privacy, without the knowledge and consent of all parties.
2. Sharing visual or auditory records of sexual activity or nudity without the knowledge and consent of all recorded parties and recipients.
3. Sexual advances, whether or not they involve physical touching.
4. Commenting about or inappropriately touching an individual's body.
5. Requests for sexual favors in exchange for actual or promised job benefits, such as favorable reviews, salary increases, promotions, increased benefits, or continued employment.
6. Lewd or sexually suggestive comments, jokes, innuendoes, or gestures.
7. Stalking

Other verbal, nonverbal, graphic, or physical conduct may create a hostile environment if the conduct is sufficiently persistent, pervasive, or severe so as to deny a person equal access to Continental's programs or activities. Whether the conduct creates a hostile environment may depend on a variety of factors, including: the degree to which the conduct affected one or more person's education or employment; the type, frequency, and duration of the conduct; the relationship between the parties; the number of people involved; and the context in which the conduct occurred.

Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from Continental's education or work programs or activities. For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this policy.

Sexual Violence is defined as physical sexual acts engaged in without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

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.

(i) 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.

(ii) For the purposes of this definition—

(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(B) Dating violence does not include acts covered under the definition of domestic violence.

(iii) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic violence. (i) A felony or misdemeanor crime of violence committed—

(A) By a current or former spouse or intimate partner of the victim;

(B) By a person with whom the victim shares a child in common;

(C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

(D) 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

(E) 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.

Stalking. (i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) Fear for the person's safety or the safety of others; or

(B) Suffer substantial emotional distress.

(ii) For the purposes of this definition—

(A) *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.

(B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

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

Sexual Assault occurs when a physical sexual activity is engaged in without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, and taking advantage of the other person's incapacitation (including voluntary intoxication). Sexual assault includes rape, fondling, incest, or statutory rape

Consent is informed, voluntary and revocable. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. It must be given without coercion, force, threats or intimidation. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately. Consent cannot be given when a person is incapacitated, which occurs when a person lacks the ability to knowingly choose to participate in sexual activity.

Unwelcome Conduct is any conduct that a person (1) did not request or invite and (2) regards the unrequested or uninvited conduct as undesirable or offensive. That a person welcomes some sexual contact does not necessarily mean that person welcomes other sexual contact. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion.

Other Offenses

In addition to the forms of sexual harassment described above, which are covered by Title IX, the School additionally prohibits the following offenses as forms of discrimination that may be within or outside of Title IX when the act is based upon the Complainant's actual or perceived protected class:

- Threatening or causing physical harm
- Discrimination that deprives members of the community of access to benefits or opportunities.
- Intimidation such as implied threats or acts that cause reasonable fear of harm.
- Bullying

Jurisdiction

This policy applies to conduct that takes place on property owned or controlled by the School and at School sponsored events. The Respondent must be a member of the School's community.

This policy can also be applied to the effects of off-campus misconduct if that misconduct deprives a person of access to their educational program. Continential may also extend jurisdiction to off campus or online conduct when the Title IX Coordinator deems a substantial School interest. A substantial school interest includes:

- Any action that constitutes a criminal offense as defined by law. This includes any single or repeat violations of law.
- Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of the School community.
- Any situation that significantly imposes upon the rights, property, or achievements of others, significantly breaches the peace, and/or causes social disorder.
- Any situation that substantially interferes with the educational interests or mission of the School.

Disability Accommodations

This Policy does not alter any institutional obligations under federal disability laws including the Americans with Disabilities Act of 1990, and Section 504 of the Rehabilitation Act of 1973. Parties may request reasonable accommodations for disclosed disabilities to the Title IX Coordinator at any point before or during the Title IX Grievance Process that do not fundamentally alter the Process. The Title IX Coordinator will not affirmatively provide disability accommodations that have not been specifically requested by the Parties, even where the Parties may be receiving accommodations in other institutional programs and activities

Investigation of Complaints

In response to all complaints, the School promises prompt and equitable resolution through a reliable and impartial investigation of complaints, including the opportunity for both parties to present witnesses or other evidence. The time necessary to conduct an investigation will vary based on complexity but will generally be completed within sixty (60) days of receipt of the complaint.

Individuals considering making a disclosure to School resources should make sure they have informed expectations concerning privacy and confidentiality. Continental is committed to providing all possible assistance in understanding these issues and helping individuals to make an informed decision. It is important to understand that, while the School will treat information it has received with appropriate sensitivity, School personnel may nonetheless need to share certain information with those at Continental responsible for stopping or preventing harassment or discrimination. The School shall maintain confidentiality for all parties to the extent possible, but absolute confidentiality cannot be guaranteed. If the School honors a request for confidentiality, a victim must understand that the school's ability to meaningfully investigate an incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Continental School of Beauty does not maintain confidential resources (i.e. clergy, guidance counselors, etc.) on campus. When speaking to an employee of the School, it is important for the victim to know who is required to report any incident of misconduct to the Title IX Coordinator. Staff who **must report** violations of this policy are School Directors and any corporate level employee. Some employees are not required to report violations but **may report** if they feel it necessary for the safety of the victim or other's in the School. These are staff employed as Admissions, Receptionists and Support Staff. Instructors **must report with consent** of the victim. If the victim does not consent, they are not required to report. In cases where a student does not give consent for an investigation, the School will weigh the student's request for confidentiality against the impact on School safety to determine whether an investigation must proceed.

Complainants should be aware that in a formal investigation due process generally requires that the identity of the charging party and the substance of the complaint be revealed to the person charged with the alleged harassment. During the investigation, the School will provide supportive measures, as necessary, to protect the safety and well-being of students and/or employees involved. Once the investigation is complete, it will go to a live hearing. Both the complainant and the respondent are entitled to select an Advisor during the investigation. If the complaint goes to a live hearing both parties must have an Advisor. During a live hearing there is an opportunity for parties' Advisors to examine and cross examine witnesses. The person overseeing the live hearing is called the Decision Maker. This person is appointed by the School and trained on Title IX policy and the elimination of bias and conflicts of interest. The Decision Maker will issue a written determination of whether or not there was a violation of the Title IX policy.

The "preponderance of the evidence" standard will apply to investigations, meaning the School will evaluate whether it is more likely to be true than not that the alleged conduct occurred. Both parties will receive written notice of the outcome of the complaint. A dismissal of a complaint under Title IX does not preclude an investigation of a violation of the School's Code of Conduct.

If the School determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action will be taken in accordance with the circumstances involved, and the School will take steps to prevent the recurrence of any harassment or discrimination. Any employee determined by the School to be responsible for unlawful harassment or discrimination will be subject to appropriate disciplinary action, up to and including termination. Remedies for student-related claims may include, but are not limited to, an order to stay away, suspension or expulsion.

An appeal can be requested on any of the following conditions: a procedural irregularity that affected the outcome; newly discovered evidence that could affect the outcome; or Title IX personnel had a conflict of interest or bias that affected the outcome.

To initiate a criminal investigation, reports of sexual violence should be made to "911" or local law enforcement. The criminal process is separate from the School's disciplinary process. To the extent that an employee or contract worker is not satisfied with the School's handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

Retaliation Prohibited

The School will not retaliate against you for filing a complaint, and will not tolerate retaliation by students or employees. If you believe you have been retaliated against, you should promptly notify your supervisor, Human Resources or the Title IX Coordinator.

Violations of Other Rules

Continental encourages the reporting of all concerns regarding sexual or gender-based harassment. The health and safety of all students at Continental is of utmost importance. The School recognizes that students who have been drinking and/or using drugs at the time of an act of violence or harassment may be hesitant to report such incidents due to fear of potential consequences of their own conduct. Continental strongly encourages students to report any incidents involving sexual violence or harassment to school officials. A bystander or victim acting in good faith when reporting an incident will not be subject to Continental's code of conduct action for violations of alcohol and/or drug policies occurring at the time of the incident.

Reporting Requirements

Victims of sexual misconduct should be aware that School administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to other members of the campus community. The School will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The School reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

Additional Information

Employees should contact Human Resources for more information or any questions related to this policy. Students may contact the Title IX Coordinator with any questions related to this policy. In addition, the U.S. Department of Education Office for Civil Rights ("OCR") investigates complaints of unlawful harassment of students in educational programs or activities. This agency may serve as a neutral fact finder and will attempt to facilitate the voluntary resolution of disputes with the parties. For more information, visit the OCR website at: <http://www.hhs.gov/ocr/>.

Options for Assistance

A complainant who has experienced any form of sex discrimination has various options available. Support services include:

Rochester - **Restore Sexual Assault Services**
114 University Avenue
Rochester, NY 14605
Hotline: 585-546-2777

Willow Domestic Violence Center
Hotline: 585-222-SAFE (7233)

W. Seneca - **Crisis Services**
100 River Rock Dr., Suite 300
Buffalo, NY 14207
Hotline: 800-942-6906

Haven House
716-884-6000

Mattydale -

Vera House

6181 Thompson Road. Suite 100
Syracuse, NY 13206
Hotline 315-468-3260

All Locations -

NYS Domestic & Sexual Violence Hotline

800-942-6906

Rape, Abuse & Incest National Network (RAINN)

National Sexual Assault Hotline – 800-656-HOPE – Caller is directed to a rape crisis center in his/her area

Online Hotline – secure web based crisis hotline providing online and anonymous support <https://ohl.rainn.org/online/>