



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.

Title IX regulations require administrative leadership and instructors to notify the Title IX Coordinator when they have information about conduct that may constitute sexual harassment. All other employees must either notify the Title IX coordinator or provide potential victims with the contact information of the Title IX Coordinator and information on how to make a complaint of sex discrimination.

The School does not maintain confidential resources (i.e., clergy, guidance counselors, etc.) Therefore, when speaking to any employee of the school, it is important to understand who is required to report any instance of misconduct to the Title IX Coordinator.

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. 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 please see the Confidentiality policy.

Grievance Procedures for Complaints of Sex Discrimination

Continental School of Beauty has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Complaints:

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that Continental School of Beauty investigate and make a determination about alleged discrimination under Title IX:

- a student or employee of Continental who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX;
- a person other than a student or employee of Continental who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the School's education program or activity;
- a parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant;
- Continental's Title IX Coordinator.

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- any student or employee of the School;
- any person other than a student or employee who was participating or attempting to participate in the School's education program or activity at the time of the alleged sex discrimination.

Continental School of Beauty may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Basic Title IX Grievance Procedures:

Continental will treat complainants and respondents equitably.

The School requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

Continental presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

The following timeframes have been established for the major stages of the grievance procedures: evaluation - two weeks; investigation - up to four weeks; and determination – up to two weeks.

The School has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay: written notice prior to the expiration of the established timeframes.

Reasonable steps will be taken to protect the privacy of the parties and witnesses during its 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; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

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. Continental makes every effort to provide supportive measures to all complainants, which may be impossible with an anonymous report.

Continental will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory (showing guilt) and exculpatory (showing innocence) evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by Continental to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Continental obtains that party's or witness's voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant's sexual interests or prior sexual conduct, unless evidence about the complainant's prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant's prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant's consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations

Upon initiation of Continental's Title IX grievance procedures, the School will notify the parties of the following:

- Continental's Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. (If Continental provides a description of the evidence: The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.)

If, in the course of an investigation, Continental decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice

provided or that are included in a complaint that is consolidated, the School will notify the parties of the additional allegations.

Dismissal of a Complaint:

Continental may dismiss a complaint of sex discrimination if:

- the School is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Continental's education program or activity and is
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the not employed by the School;
- Title IX Coordinator declines to initiate a complaint, and Continental determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- Continental determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, Continental will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the School will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the School will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

Continental will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then Continental will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, Continental will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker 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, Continental 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 School's education program or activity.

Investigation:

Continental School of Beauty will provide for adequate, reliable, and impartial investigation of complaints. The burden is on the School, not on the parties, to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. Continental will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. All evidence gathered through the investigation will be reviewed and Continental will determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The School will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- Continental will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. (If the School provides a description of the evidence: it will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.);
- The School will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- Continental will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

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.

Questioning the Parties and Witnesses:

Continental will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

The School's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness;
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; and

Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

Determination Whether Sex Discrimination Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, the School will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a complainant and other people the School identifies as having had equal access to Continental's education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within the School's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Informal Resolution:

In lieu of resolving a complaint through Continental's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The School does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

Supportive Measures:

Continental School of Beauty will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the School's education program or activity or provide support during the Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include moving one party to a different classroom, accompanying them to/from their car, or providing a leave of absence if requested.

Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, Continental may impose disciplinary sanctions, which may include suspension or termination. The School may also provide remedies, which may include moving one party to a different classroom or providing a leave of absence if requested.

Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents:

Continental School of Beauty has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party.

Complaints:

The following people have a right to make a complaint of sex-based harassment, requesting that Continental investigate and make a determination about alleged sex-based harassment under Title IX:

- A "complainant," which includes:
 - a student or employee of Continental who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 - a person other than a student or employee of Continental who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in the School's education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- Continental's 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 harassment, if they have a legal

right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

Continental may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.¹⁹ When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Basic Grievance Procedures:

See sex discrimination policy, page 2.

Written Notice of Allegations:

Upon initiation of these Title IX grievance procedures, Continental will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- Continental’s Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence. (If Continental provides access to an investigative report: The parties are entitled to an equal opportunity to access the relevant and not impermissible evidence upon the request of any party); and
- Section 7 of Continental’s Code of Conduct prohibits knowingly making false statements or knowingly submitting false information.
- If, in the course of an investigation, Continental decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

Dismissal of a Complaint:

Continental may dismiss a complaint if:

- The School is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Continental's education program or activity and is not employed by the School;
- Continental obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and Continental determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- Continental determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the School will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, the School will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the School will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

Continental will notify the complainant that a dismissal may be appealed on the bases outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then Continental will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, Continental will follow the procedures outlined in the Appeals section.

When a complaint is dismissed, Continental 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 School's education program or activity.

Investigation:

Continental School of Beauty will provide for adequate, reliable, and impartial investigation of complaints. The burden is on the School, not on the parties, to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred. The School will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

All parties will be provided with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- Continental will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.

- Continental may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

The School will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

Continental will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

Continental will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The School will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- Continental will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. (If the School provides access to an investigative report: it will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.);
- Continental will provide a reasonable opportunity to review and respond to the evidence or the investigative report; and
- The School will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Questioning the Parties and Witnesses:

Continental School of Beauty will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

The School's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness;
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity

to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

Determination Whether Sex-Based Harassment Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Continental School of Beauty will:

- Use the preponderance of the evidence standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
 - A description of the alleged sex-based harassment;
 - Information about the policies and procedures that it used to evaluate the allegations;
 - The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
 - When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions the School will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the School to the complainant, and, to the extent appropriate, other students identified by the School to be experiencing the effects of the sex-based harassment; and
 - Continental's procedures and permissible bases for the complainant and respondent to appeal.
- Continental will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:
 - Coordinate the provision and implementation of remedies to a complainant and other people the School identifies as having had equal access to its education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Continental's education program or activity.
- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that Continental provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Appeals:

Continental School of Beauty will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If a party appeals a dismissal or determination whether sex-based harassment occurred, Continental will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that Continental will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

Any additional procedures or bases for appeal Continental offers will be equally available to all parties.

Informal Resolution:

In lieu of resolving a complaint through Continental's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The School will inform the parties in writing of any informal resolution process it offers and determines is appropriate, if any. Continental will 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, Continental will explain in writing to the parties:

- The allegations;

- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information Continental will maintain and whether and how it could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Supportive Measures:

Continental School of Beauty will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the School's education program or activity or provide support during its Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include moving one party to a different classroom, accompanying them to/from their car, or providing a leave of absence if requested.

Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, Continental may impose disciplinary sanctions, which may include suspension or termination. The School may also provide remedies, which may include moving one party to a different classroom or providing a leave of absence if requested.

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.

Pregnancy or Related Conditions

Schools cannot discriminate against any student based on the student's current, potential, or past pregnancy or related conditions. Title IX also provides protections for students who are breastfeeding. Breastfeeding is a condition related to pregnancy, so a school must allow you the break time you need to pump breast milk until your child's first birthday. You cannot be penalized for missing class time to pump. Continental has accommodations for students who need to pump while in school.

Jurisdiction

This policy applies to conduct that takes place on property owned or controlled by the School and at School sponsored events. In certain circumstances the School will address a sex-based hostile environment under its education program or activity even when some conduct alleged to be contributing to the hostile environment occurred outside the School's education program. 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. Continental 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.

Definitions

Complainant is (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 participate in the recipient's education program or activity at the time of the alleged sex discrimination.

Complaint means an oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX or its regulations.

Disciplinary sanctions are consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination.

Exculpatory in law, exculpatory evidence is evidence that tends to absolve, justify, or excuse a defendant's alleged guilt or fault.

Inculpatory is evidence that increases the likelihood of fault or guilt.

Party is the complainant or respondent.

Relevant means related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies are measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.

Respondent is the person who is alleged to have violated the recipient's prohibition on sex discrimination.

Retaliation means intimidation, threats, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

- Quid pro quo sexual harassment occurs when an employee, agent, or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditions the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct. 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.

Hostile environment harassment involves unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- the degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
- the type, frequency, and duration of the conduct;
- the parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
- the location of the conduct and the context in which the conduct occurred; and
- other sex-based harassment in the recipient's education program or activity.

Definitions of Specific Offenses

Sexual assault is defined as an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.

Dating Violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and, where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (a) the length of the relationship;
- (b) the type of relationship; and
- (c) the frequency of interaction between the persons involved in the relationship.

Domestic violence is a felony or misdemeanor crime of violence committed by a person who:

- 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;
- is cohabitating with, or has cohabitated, with the victim as a spouse or intimate partner;
- shares a child in common with the victim; or
- commits acts against a youth or adult victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

Stalking means 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.

Supportive measures are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or
- Provide support during the recipient's grievance procedures or during an informal resolution process.

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

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.

Title IX Coordinator:

Charla Yacono
633 Jefferson Road, Rochester NY 14623
585-697-5620
cyacono@continentalschoolofbeauty.edu

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/>