



Title IX Policy

Anti-Harassment and Discrimination Policy

Continental School of Beauty Culture is committed to providing a safe and healthy work and school environment in which no member of the School community is, on the basis of sex, sexual orientation or gender identity, excluded from participation in, denied benefits of, or subjected to discrimination in any of its education programs or activities. The purpose of this policy is to ensure that the Institution's policies are applied and interpreted in ways consistent with Title IX and other applicable laws.

This policy is designed to ensure a safe and non-discriminatory educational and work environment and to meet legal requirements, including: Title IX of the Education Amendments of 1972, which prohibits discrimination on the basis of sex in the School's programs or activities; relevant sections of the Violence Against Women Reauthorization Act (VAWA) as it relates to sexual assault or misconduct; and New York State Enough is Enough law for the prevention of sexual violence.

Continental'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, vendors or anyone who does business with the School. Any employee, student or contract worker who violates this policy will be subject to disciplinary action. To the extent a customer, vendor or other person with whom the School does business engages in unlawful harassment or discrimination, the School will take appropriate corrective action.

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. Continental provides training to key staff members to enable the School to handle any allegations of sexual harassment or sexual violence promptly and effectively. 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.

It is the policy of the Institution to provide educational, preventative and training programs regarding sexual or gender-based harassment; to encourage reporting of incidents; to prevent incidents of sexual and gender-based harassment from denying or limiting an individual's ability to participate in or benefit from the School's programs; to make available timely services for those who have been affected by discrimination; and to provide prompt and equitable methods of investigation and resolution to stop discrimination, remedy any harm, and prevent its recurrence. Violations of this policy may result in the imposition of sanctions up to, and including, termination, dismissal, or expulsion, as determined by the appropriate officials at the School.

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 can occur 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.

Prohibited Conduct

This policy strictly prohibits sexual or other unlawful harassment or discrimination as well as sexual violence, as defined above. Sexual or other unlawful harassment or discrimination includes any verbal, physical or visual conduct based on sex, race, age, national origin, disability or any other legally protected basis if:

- i. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;*
- ii. submission to or rejection of such conduct by an individual is used as a basis for decisions concerning that individual's education or employment; or*
- iii. it creates a hostile or offensive work environment, which means the alleged conduct is sufficiently serious to limit or deny a student's or ability to participate or benefit from the student's education program.*

Unlawful harassment or discrimination may include racial epithets, slurs and derogatory remarks, stereotypes, jokes, posters or cartoons based on race, national origin, age, disability, marital status or other legally protected categories.

Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex, and may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", practical jokes, jokes about or displays of obscene printed or visual material, questions about sexual fantasies, preferences or history, and physical contact such as patting, pinching, or intentionally brushing against another person's body. Gender-based harassment, including acts of verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping are strictly prohibited, even if those acts do not involve conduct of a sexual nature.

Jurisdiction

This policy applies to sexual or gender based harassment and discrimination that is committed by students, faculty, staff or third parties, whenever the misconduct occurs:

1. On Continental property; or
2. Off Continental property, if:
 - a) The conduct was in connection with a School or School recognized program or activity; or
 - b) The conduct may have the effect of creating a hostile environment for a member of the School community.

Grievance Procedure

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. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation. No employee, contract worker, student, vendor or other person who does business with the School is exempt from the prohibitions in this policy. 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. A complaint does not need to be official in order for supportive measures to be discussed. The process for filing a formal complaint will be explained at this time. In order to proceed with an investigation, a formal written complaint must be submitted. The complaint should include details of the incident or incidents, names of the individual(s) involved and names of any witnesses.

All complaints involving a student will be referred to the campus's Title IX Coordinator. The Title IX Coordinator is listed below and has the responsibility of overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

Title IX Coordinator:

Charla Yacono, Corporate Director of Financial Aid
633 Jefferson Road, Rochester NY 14623
585-697-5620
cyacono@continentalschoolofbeauty.edu

Continental ensures that its employee(s) designated to serve as Title IX Coordinator(s) have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the School's grievance procedures operate. Because complaints can also be filed with an employee's supervisor or Human Resources, these employees also receive training on the School's grievance procedures and any other procedures used for investigating reports of sexual harassment.

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/>