



POLICY ON TITLE IX AND SEXUAL MISCONDUCT

In compliance with Title IX regulations, along with state and federal laws, the Pineville Beauty School prohibits sexual harassment. As per 34 C.F.R §106.30, Sexual harassment means conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (“quid pro quo”); (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30) – Clery Act and the Violence Against Women Act (VAWA). These regulations protect everyone from sexual harassment under Title IX. Sexual harassment may consist of verbal, physical or other types of behavior which target an individual based on their sex and that the individual considers unwelcome. Any individual regardless of sexual orientation, disability status, or gender identity may be a victim or perpetrator of sexual harassment.

The Pineville Beauty School strives to provide a safe educational environment for all students and employees. The school will make every effort to prevent sexual harassment from occurring. The Pineville Beauty School will respond promptly and supportively to all reports of individuals alleged to be victimized by sexual discrimination, sexual harassment, and/or sexual misconduct. The Pineville Beauty School will resolve complaints promptly and accurately in a manner which is not deliberately indifferent. The Pineville Beauty School’s policy ensures for a fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment. The Pineville Beauty School will follow all federal regulations pertaining to Title IX procedures.

DEFINITIONS

Advisor- Both the complainant and respondent have to right to an advisor of their choice who will be there for support and guidance. An Advisor may be, but does not have to be an attorney. If a party does not have an advisor, the school will be required to, without fee or charge, provide one of his/her choice.

Complainant – As per Summary of Major Provisions of the Department of Education’s Title IX Final Rule- <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-summary.pdf> - The Final Rule defines “complainant” as an individual who is alleged to be the victim of conduct that could constitute sexual harassment. - This clarifies that any third party as well as the complainant may report sexual harassment. - While parents and guardians do not become complainants (or respondents), the Final Rule expressly recognizes the legal rights of parents and guardians to act on behalf of parties (including by filing formal complaints) in Title IX matters.

Consent – An agreement between both parties to engage in sexual activity.

For more information regarding consent, please visit <https://www.rainn.org/articles/what-is-consent>.

Dating Violence – As defined by 34 CFR §668.46 - <https://www.ecfr.gov/cgi-bin/text-idx?rgn=div8&node=34:3.1.3.1.34.4.39.6> , dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

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.

Dating Violence (Louisiana Law) – As defined by LA RS §46.2151(B)(C) - Chapter 28-A. Protection From Dating Violence Act – <http://www.legis.la.gov/Legis/Law.aspx?d=100568> , dating violence is defined for the purposes of this Section, "dating partner" means any person who is involved or has been involved in a sexual or intimate relationship with the offender characterized by the expectation of affectionate involvement independent of financial considerations, regardless of whether the person presently lives or formerly lived in the same residence with the offender. "Dating partner" shall not include a casual relationship or ordinary association between persons in a business or social context. For purposes of this Section, "dating violence" includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of Louisiana, except negligent injury and defamation, committed by one dating partner against the other. Acts 2001, No. 1180, §1; Acts 2003, No. 750, §6; Acts 2017, No. 84, §3.

Domestic Violence - As defined by 34 CFR §668.46 – <https://www.ecfr.gov/cgi-bin/text-idx?rgn=div8&node=34:3.1.3.1.34.4.39.6> , domestic violence is 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.

Domestic Abuse (Louisiana Law) As defined by LA RS §46:2132(3) – <http://legis.la.gov/Legis/Law.aspx?d=100555> "Domestic abuse" includes but is not limited to physical or sexual abuse and any offense against the person as defined in the Criminal Code of

Louisiana, except negligent injury and defamation, committed by one family or household member against another. "Domestic abuse" also includes abuse of adults as defined in R.S. 15:1503 when committed by an adult child or adult grandchild.

As defined by LA RS §46:2132(4) "Family members" means spouses, former spouses, parents and children, stepparents, stepchildren, foster parents, and foster children. "Household members" means any person of the opposite sex presently or formerly living in the same residence with the defendant as a spouse, whether married or not, who is seeking protection under this Part. If a parent or grandparent is being abused by an adult child, adult foster child, or adult grandchild, the provisions of this Part shall apply to any proceeding brought in district court.

Fondling - As defined by 34 CFR §A to subpart D of part 668 – https://www.ecfr.gov/cgi-bin/text-idx?SID=4915fe2cb9ff9deaf964c6a941d46a5a&node=pt34.3.668&rgn=div5#ap34.3.668_150.a , fondling is defined as the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

Gender-Based Harassment – As defined by The Office for Civil Rights (OCR) at the U.S. Department of Health and Human Services (HHS) - <https://www.hhs.gov/civil-rights/for-individuals/special-topics/harassment/index.html> , gender-based harassment is unwelcome conduct based on an individual's actual or perceived sex. It includes slurs, taunts, stereotypes, or name-calling as well as gender-motivated physical threats, attacks, or other hateful conduct.

Gender-Equality - The state in which access to rights or opportunities is unaffected by gender.

Hate Crime – As defined by 34 CFR §668.46 – https://www.ecfr.gov/cgi-bin/text-idx?node=sp34.3.668.d&rgn=div6#se34.3.668_146 - crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Hostile Environment – As defined in 62 FR 12041 - <https://www.govinfo.gov/content/pkg/FR-1997-03-13/pdf/FR-1997-03-13.pdf> - Sexually harassing conduct (which can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature) by an employee, by another student, or by a third party that is sufficiently severe, persistent, or pervasive to limit a student's ability to participate in or benefit from an education program or activity, or to create a hostile or abusive educational environment.

Incest – As defined by 34 CFR §A to subpart D of part 668 – https://www.ecfr.gov/cgi-bin/text-idx?SID=4915fe2cb9ff9deaf964c6a941d46a5a&node=pt34.3.668&rgn=div5#ap34.3.668_150.a , Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Preponderance of Evidence - The preponderance of evidence is based on the standard of evidence, “is more likely than not” or “fifty-fifty” likelihood of guilt.

Rape- As defined by 34 CFR §A to subpart D of part 668-

https://www.ecfr.gov/cgi-bin/text-idx?SID=4915fe2cb9ff9deaf964c6a941d46a5a&node=pt34.3.668&rgn=div5#ap34.3.668_150.a

The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

Reporting Party- The individual reporting the incident. This may include the individual who experienced the sexual harassment, family members of the individual, bystanders, employees of the school, etc.

Respondent – As per Summary of Major Provisions of the Department of Education’s Title IX Final Rule- <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-summary.pdf> - An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

Retaliation – As defined by 34 CFR §106.71 – https://www.ecfr.gov/cgi-bin/retrieveECFR?gp=&SID=1efdb2f03daa67650ea03e6da3af4c4b&mc=true&n=pt34.1.106&r=PART&ty=HTML#se34.1.106_171 - (a) Retaliation prohibited. No recipient or other person may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege secured by title IX or this part, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this part. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by title IX or this part, constitutes retaliation. The recipient must keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the grievance procedures for sex discrimination required to be adopted under §106.8(c). (b) Specific circumstances. (1) The exercise of rights protected under the First Amendment does not constitute retaliation prohibited under paragraph (a) of this section. (2) Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding under this part does not constitute retaliation prohibited under paragraph (a) of this section, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Sexual Assault – As defined by 34 CFR §668.46 –

https://www.ecfr.gov/cgi-bin/text-idx?node=sp34.3.668.d&rgn=div6#se34.3.668_146 - An

offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.

Sexual Assault (Louisiana Law) - As defined by LA RS §46:2184 –

<http://legis.la.gov/legis/Law.aspx?d=964032> - Sexual assault means any nonconsensual sexual contact including but not limited to any act provided in R.S. 15:541(24) or obscenity (R.S. 14:106).

Sexual Violence - As defined by the CDC-

https://www.cdc.gov/violenceprevention/pdf/sv_surveillance_definitions1-2009-a.pdf

Sexual violence is defined as a sexual act that is committed or attempted by another person without freely given consent of the victim or against someone who is unable to consent or refuse. It includes: forced or alcohol/ drug facilitated penetration of a victim; forced or alcohol/drug facilitated incidents in which the victim was made to penetrate a perpetrator or someone else; non-physically pressured unwanted penetration; intentional sexual touching; or non-contact acts of a sexual nature. Sexual violence can also occur when a perpetrator forces or coerces a victim to engage in sexual acts with a third party.

Sexual violence involves a lack of freely given consent as well as situations in which the victim is unable to consent or refuse:

- **Consent** Words or overt actions by a person who is legally or functionally competent to give informed approval, indicating a freely given agreement to have sexual intercourse or sexual contact.
- **Inability to Consent** A freely given agreement to have sexual intercourse or sexual contact could not occur because of the victim's age, illness, mental or physical disability, being asleep or unconscious, or being too intoxicated (e.g., incapacitation, lack of consciousness, or lack of awareness) through their voluntary or involuntary use of alcohol or drugs.
- **Inability to Refuse** Disagreement to engage in a sexual act was precluded because of the use or possession of guns or other non-bodily weapons, or due to physical violence, threats of physical violence, intimidation or pressure, or misuse of authority.

Sexual violence is divided into the following types:

- Completed or attempted forced penetration of a victim
- Completed or attempted alcohol/drug-facilitated penetration of a victim
- Completed or attempted forced acts in which a victim is made to penetrate a perpetrator or someone else
- Completed or attempted alcohol/drug-facilitated acts in which a victim is made to penetrate a perpetrator or someone else
- Non-physically forced penetration which occurs after a person is pressured verbally or through intimidation or misuse of authority to consent or acquiesce
- Unwanted sexual contact

- Non-contact unwanted sexual experiences

Sexual Harassment – As defined by 34 CFR §106.30 - https://www.ecfr.gov/cgi-bin/text-idx?SID=54094869253b771d32765c793b278269&mc=true&node=se34.1.106_130&rgn=div8, Sexual harassment means conduct on the basis of sex that satisfies one or more of the following: (1) An employee of the recipient conditioning the provision of an aid, benefit, or service of the recipient on an individual's participation in unwelcome sexual conduct (“quid pro quo”); (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the recipient's education program or activity; or (3) “Sexual assault” as defined in 20 U.S.C. 1092(f)(6)(A)(v), “dating violence” as defined in 34 U.S.C. 12291(a)(10), “domestic violence” as defined in 34 U.S.C. 12291(a)(8), or “stalking” as defined in 34 U.S.C. 12291(a)(30) – Clery Act and the Violence Against Women Act (VAWA).

Sexual Discrimination- Discrimination against an individual on the basis of sex.

Stalking – As defined by 34 CFR §668.46 – https://www.ecfr.gov/cgi-bin/text-idx?node=sp34.3.668.d&rgn=div6#se34.3.668_146 - 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.

Stalking (Louisiana Law) -As defined by LA. RS §14.40.2 – <http://www.legis.la.gov/legis/Law.aspx?d=78515> - Stalking is the intentional and repeated following or harassing of another person that would cause a reasonable person to feel alarmed or to suffer emotional distress. Stalking shall include but not be limited to the intentional and repeated uninvited presence of the perpetrator at another person's home, workplace, school, or any place which would cause a reasonable person to be alarmed, or to suffer emotional distress as a result of verbal, written, or behaviorally implied threats of death, bodily injury, sexual assault, kidnapping, or any other statutory criminal act to himself or any member of his family or any person with whom he is acquainted.

Statutory Rape - As defined by 34 CFR §A to subpart D of part 668 –Sexual intercourse with a person who is under the statutory age of consent.

Supportive Measures - As defined by 34 CFR §106.30 - https://www.ecfr.gov/cgi-bin/text-idx?SID=1b1412ad97448c6f8c4276f4e689f58c&mc=true&node=se34.1.106_130&rgn=div8, supportive measures mean non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the recipient's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the recipient's educational environment, or deter sexual harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures. The recipient must maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the recipient to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

Title IX Coordinator- The Title IX Coordinator is responsible for responding to, investigating, and resolving sexual harassment issues. The Title IX Coordinators duties also include ensuring adequate training to personnel and students on the Pineville Beauty School's sexual harassment policy, prevention, and education. The Title IX Coordinator will ensure the complainant and respondent are informed of all support measures and other resources available to them, ensure the complainants wishes are honored, and the resolution process is fair, non-bias, and completed in a timely manner. The Title IX Coordinator will also ensure the Pineville Beauty School's policy on sexual harassment is followed and meets all federal guidelines.

NONDISCRIMINATION NOTICE

Pineville Beauty School does not discriminate on the basis of race, creed, sex, age, religion, color, ethnic origin, disability, veteran status, marital status, national origin, ancestry, parental status, pregnancy, sexual orientation, gender identity, and gender expression in its administration of any education or financial aid programs. The school Administrator, Brandi Perego, is the individual designated to handle inquiries regarding non-discrimination policies and complaints of discrimination and can be contacted by visiting the campus, via email at staff@PinevilleBeauty.com, or via telephone at (318)445-1040.

Questions or concerns may also be directed to the Office of Civil Rights of the United States Department of Education at:

U.S. Department of Education Office for Civil Rights
Lyndon Baines Johnson Department of Education Bldg.
400 Maryland Avenue, SW
Washington, DC 20202-1100
Telephone: (800)-421-3481
Fax: (202) 453-6012 TDD: (800)877-8339
Email: OCR@ed.gov

You may also visit the following: <https://www2.ed.gov/about/offices/list/ocr/index.html>

COMPLAINANT AND RESPONDENT

The complainant is defined as an individual who is alleged to be the victim of conduct that could constitute sexual harassment. This also pertains to the legal rights of parents and guardians to act on behalf of parties (including by filing formal complaints) in Title IX matters. The respondent is defined as an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. (As per Summary of the Department of Education's Final Rule- <https://www2.ed.gov/about/offices/list/ocr/docs/titleix-summary.pdf>).

INSITUATIONAL TERRITORY

The Pineville Beauty School will respond when sexual harassment occurs in the school's education program or activity, against a person in the United States. Areas of jurisdiction of the Pineville Beauty School include incidents on and off the school's premises. This applies to all educational programs including locations, events, or circumstances over which the school exercises significant control over both the respondent and the setting in which the sexual harassment occurs. This may also include any incidents off campus which may interfere with the health and safety of the school's employees and students. This policy applies to all students, employees, contractors, and visitors. Although the Pineville Beauty School cannot impose this policy on incidents which occur outside of the school's jurisdiction, the school will still assist the student and/or employee in reporting an incident to the local law enforcement, information on supportive services and accommodations, and available resources within the community.

CONFIDENTIALITY

The Pineville Beauty School will respond to and investigate incidents sexual harassment as defined by the Department of Education, Clery Act and Violence Against Women Act (VAWA). In accordance with the Family Educational Rights and Privacy Policy of 1974 (FERPA), the Pineville Beauty School will make every attempt to keep all information confidential. Only pertinent information will be provided to those investigating and responding to the incident. The school will maintain confidentiality pertaining to accommodations and supportive services provided to the complainant and respondent. Information given to the Pineville Beauty School's staff designated to respond and investigate these incidents will not be divulged to any other individual unless the individual who provided the information gives permission to do so.

FREE SPEECH

Any enforcement of Title IX regulations by the Pineville Beauty School will always be consistent with the individual's freedom of speech rights as defined in the First Amendment of the Constitution of the United States.

TITLE IX COORDINATOR INFORMATION

The Title IX Coordinator is responsible for responding to, investigating, and resolving sexual harassment issues. The Title IX Coordinators duties also include ensuring adequate training to personnel and students on the Pineville Beauty School's sexual harassment policy, prevention, and education. The Title IX Coordinator will ensure the complainant and respondent are informed of all support measures and other resources available to them, ensure the complainants wishes are honored, and the resolution process is fair, non-bias, and completed in a timely manner. The Title IX Coordinator will also ensure the Pineville Beauty School's policy on sexual harassment is followed and meets all federal guidelines. Any individual wanting to report sexual discrimination,

sexual harassment, or sexual misconduct, whether or not the individual reporting is or is not the alleged victim, may do so by contacting the Pineville Beauty School's Title IX Coordinator. A report may be made at any time including during non-business hours, in person, via mail, via electronic mail, or by phone at the information listed below. This may be done verbally or in writing. An anonymous report may also be made, but may make resolution difficult.

Title IX Coordinator

Brandi Perego
1008 Main Street
Pineville, LA 71360
(318) 445-1040
staff@PinevilleBeauty.com

OFFICIALS TO ASSIST THE TITLE IX COORDINATOR-REVIEW COMMITTEE

The following are individuals available to assist the Title IX Coordinator in the grievance process, including assistance with assessments, counseling complainant and respondent on supportive services and accommodations, resources, interim measures, and participate in the formal grievance hearings to include acting as the decision-maker:

Michelle Hays: Owner/Instructor(318) 445-1040

Josephine Nelson: Owner/Instructor(318) 445-1040

Jessica Norman: Director of Education(318) 445-1040

ACTUAL KNOWLEDGE AND RESPONSE

Actual Knowledge is defined as direct and clear knowledge where the relevant party knows of a particular item or event. Under the Title IX regulations, actual knowledge is once a notice of sexual harassment or allegations of sexual harassment are made to the Title IX Coordinator or an official of the school who has the authority to take action. Any individual may report sexual harassment to the school. Once there is actual knowledge, the Pineville Beauty School will respond promptly and in a manner that is not deliberately indifferent to all reports of individuals alleged to be victimized. The Pineville Beauty School will resolve allegations promptly and accurately in a manner which is not deliberately indifferent. The Pineville Beauty School will attempt to resolve complaints within sixty (60) business days of receipt unless circumstances prevent so. If the sixty (60) business days' time frame must be extended, all parties will be notified in writing. The Pineville Beauty School's policy ensures for a fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment, and effectively implements solutions for victims.

EQUALITY FOR BOTH COMPLAINANTS AND RESPONDENTS

When concluding whether or not sexual harassment has occurred, the Pineville Beauty School will respond promptly in a manner that is not deliberately indifferent. This means in a manner that is not currently unreasonable in light of the known circumstances. The school will utilize "preponderance of evidence" standard which means "more likely than not" or "fifty-fifty" likelihood of guilt. The school must provide due process protections to ensure non-restriction of the rights protected under the United States Constitution. This includes the First Amendment,

Fifth Amendment, and Fourteenth Amendment rights of an individual. The “preponderance of evidence” standard also ensures that both the complainant and respondent have the same opportunity to provide relevant facts and will be treated equally. The school will not be deliberately indifferent by offering the complainant support measures and following the grievance process outlined in this policy. The respondent will also be offered the option of support measures and assistance with other resources available to him/her. Both the complainant and respondent will have the right to notify local law enforcement and file a report, inform the school of an alleged sexual harassment incident, participate or remain silent throughout the grievance process, have an Advisor of their choice to be present during any interviews, meetings, and throughout the resolution and appeals process, if applicable. If a party does not have an advisor, the school will be required to, without fee or charge, provide one of its choices. If the respondent decides to not participate, the investigation will not cease and will proceed without the respondent being able to provide his or her accounts of the alleged incident.

ADVISORS

Both the complainant and respondent have the right to an advisor of their choice who will be there for support and guidance. The Advisor may be, but does not have to be an attorney. If a party does not have an advisor, the school will be required to, without fee or charge, provide one of its choices. The Advisor will be allowed to be present throughout the process. The Advisor will be the only individual allowed to cross-exam during live hearings.

SECURITY AND SAFETY

The Pineville Beauty School has 24-hour security camera surveillance and its premises is continuously monitored by its local law enforcement. Students and/or employees should always attempt to ensure their own safety by being aware of their surroundings.

REPORTING AN INCIDENT TO LOCAL LAW ENFORCEMENT

The school educates new students and employees about sexual discrimination, sexual harassment, and sexual violence through mandatory orientations when entering as a student or start of employment at the school. If you are a victim of a sexual assault at the Pineville Beauty School, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. Local law enforcement agencies and the Pineville Beauty School strongly advocate that a victim of sexual assault report the incident in a timely manner, but is not required to do so. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to the Title IX Coordinator and/or to the Pineville City Police Department or Rapides Parish Sheriff’s Department. Filing a report with the school will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions.

Filing a report will:

- › Ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- › Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam);

› Assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

The school will take all necessary steps to ensure it assists the student and/or employee with his/her incident and filing a policy report if the student and/or employee requests assistance. Student and/or employees can contact the Pineville Beauty School and may also contact their local law enforcement agency by dialing 911. The following is information regarding the school's local law enforcement agencies:

Other than calling 911, we have also listed contact information for law enforcement agencies.

Louisiana State Police

Website: <http://www.lsp.org/contact.html>

Phone: LSP HQ Main Number: 225-925-6006

Pineville City Police Department - (318) 442-8362

Rapides Parish Sheriff's Department - (318) 473-6700

The school does not require a student and/or employee to report the incident to their local law enforcement agency to investigate.

When reporting an incident to the Pineville Beauty School, you may contact the Title IX Coordinator:

Title IX Coordinator Brandi Perego

1008 Main Street

Pineville, LA 71360

(318) 445-1040

staff@PinevilleBeauty.com

COMPLAINTS AND NOTIFICATION

All complaints not involving the sexual discrimination, sexual harassment, or sexual misconduct, should contact the school's Administrator and follow the school's regular Grievance Policy. Sexual Harassment, as defined earlier, also includes sexual assault, dating violence, domestic violence, or stalking. Any individual has the right to notify the Pineville Beauty School's Title IX Coordinator of a sexual harassment incident. This may include the individual who experienced the sexual harassment, family members of the individual, bystanders, employees of the school, etc. The Pineville Beauty School also recommends the individual contact the local authorities and preserve evidence. Filing a police report will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions. All responsible employees who know or may have had reasonable knowledge of sexual misconduct, are required to report this information to the Title IX Coordinator immediately.

Once the school is notified, it will respond and take action promptly. Although the school recommends contacting the local authorities, the complainant is not required to contact the police to file a complaint with the school. A report may be submitted at any time, even during non-

business hours, in person, via mail, via electronic mail, or by phone to the Pineville Beauty School's Title IX Coordinator. Anonymous reports can be made, but may make resolution difficult. The school will provide due process protections to ensure non-restriction of the rights protected under the United States Constitution. These include the First Amendment, Fifth Amendment, and Fourteenth Amendment rights of an individual.

Title IX Coordinator Brandi Perego
1008 Main Street
Pineville, LA 71360
(318) 445-1040
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**The Pineville Beauty School will not discontinue its grievance process due to COVID-19. The Pineville Beauty School will make adjustments to ensure its grievance process proceeds.

FORMAL COMPLAINT

The Complainant has the right to file or not to file an informal or formal report when filing a complaint alleging sexual harassment. As per 34 C.F.R. §106.30, a "formal complaint means a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the recipient investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the recipient with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator under §106.8(a), and by any additional method designated by the recipient. As used in this paragraph, the phrase "document filed by a complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the recipient) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or otherwise a party under this part or under §106.45, and must comply with the requirements of this part, including §106.45(b)(1)(iii)". A parent or legal guardian who has the legal right to act on the individual's behalf has the right to file a formal complaint. The Title IX Coordinator also has the right to file a formal complaint even if the complainant is not associated with the school in any way.

INVESTIGATIVE MODEL

The Pineville Beauty School will not utilize a "single investigator model". As per new Title IX regulations, the Pineville Beauty School will have three separate officials to complete the process. The Title IX Coordinator will handle all reports, initial assessments, and the informal process if there was found to be a violation of policy. If a formal resolution is required, a separate official will be required to conduct the formal investigation. Once the formal investigation is completed, another official will be required to proceed as the decision-maker through the formal proceedings. If there is an appeal, the initial decision-maker will not be able to act in that capacity and another official will be deemed as the functioning decision-maker. The Pineville Beauty School will attempt to resolve complaints within sixty (60) calendar days of receipt unless circumstances

prevent so. If the sixty (60) calendar days' time frame must be extended, all parties will be notified in writing.

FALSE ACCUSATIONS

Any individual found to have purposely submitted or provided false information in connection to an incident to cause harm to the other individual may be subject to disciplinary actions under the Student Code of Conduct.

RETALIATION

Engagement in protected speech under the First Amendment does not constitute retaliation. Retaliation against an individual for the purpose of interfering with the exercising of Title IX rights is prohibited. This includes retaliation against any individual who has made a report or complaint, the alleged perpetrator, witnesses, and any other individuals who may be involved in the matter, including those that may refuse to testify. The Pineville Beauty School will not charge a person with a violation of the code of conduct for pursuing a sexual harassment report, formal complaint, or for exercising their Title IX rights. The school will attempt to preserve the identities of the individuals involved in the investigation confidential except that which is permitted by Family Educational Rights and Privacy Act, (FERPA), that which is required under other laws, or that which is necessary in order to conduct the grievance process. Individuals who have been retaliated against will have the right to file a complaint. Individuals found to be in violation of this policy will be subject to disciplinary actions.

RIGHTS OF THE COMPLAINANT AND CONTACT

The Pineville Beauty School recommends seeking necessary help and filing a report with local law enforcement after a sexual harassment incident, especially the following: Sexual assault, non-consensual sexual conduct, rape, intimate partner violence, stalking, or other sexual or gender-based misconduct. This ensures the individual receives the necessary medical treatment and tests, provides the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam); and assures the individual has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention. Filing a police report will not obligate the individual to prosecute, nor will it subject the individual to scrutiny or judgmental opinions. Choosing not to file a report does not prohibit the individual from filing a report with the school. Although these are the Pineville Beauty School's recommendations, the complainant has the rights as follows:

1. The right to or not to file a report with local law enforcement;
2. The right to or not to file an informal or formal complaint with the Pineville Beauty School;
3. The right to file an anonymous report (Although anonymous complaints can make resolution difficult);
4. Obtaining medical treatment including counseling after the alleged incident; and
5. Requesting support measures and/or accommodations;

Regardless of whether or not the complainant decides to file a complaint, the Title IX Coordinator is available to assist with supportive services, accommodations and available resources. The individual does not have to file a formal complaint to receive this assistance. Once, the Title IX

Coordinator receives the report regarding the alleged incident, the Title IX Coordinator will promptly contact the complainant, if the individual is identified, confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

The Title IX Coordinator will not force the individual to divulge information if they do not prefer to. If the individual chooses to confide in the Title IX Coordinator, the Title IX Coordinator will assess the situation and what necessary steps to take to resolve. The Pineville Beauty School will always attempt to respect the wishes of the individual. If the individual does decide to proceed with an informal or formal complaint, it is recommended the complainant provide the following information to assist in the initial assessment by the Title IX Coordinator.

1. Names of the individuals involved in the alleged incident. (Alleged victim, alleged perpetrator, and any witnesses to the alleged incident).
2. The alleged incident including place, date, and time.
3. Details of the alleged incident, only if the alleged victim is comfortable with providing the information, including information on whether or not this is the first time the alleged harassment has taken place.
4. Any other pertinent information which will assist in the assessment of the alleged incident.

CONFIDENTIAL RESOURCES AVAILABLE

If an individual prefers not to file a report with law enforcement or the Pineville Beauty School and would like to seek other assistance, there are professionals who can provide confidential help. Medical providers, mental health professionals, ordained clergy, rape counselors who operate under their realm of certification are prohibited from divulging personal information. These professionals may be able to assist the individual in receiving assistance in coping with the incident and/or refer the individual to other resources for assistance and support.

SUPPORTIVE MEASURES AND ACCOMMODATIONS

Support services and accommodations are provided to both the complainant and respondent after the report has been made, throughout the resolution process, and after the resolution process has been completed. Support services and accommodations are even available if both parties agree to not proceed in the resolution process. The Department of Education's Title IX Final Rule defines supportive measures, "as individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment." Any student and/or employee has the right to obtain a protective order through Child Protective Services and/or their local judicial system. The Pineville Beauty School will cooperate with any protective orders including no-contact, restraining, or similar lawful orders issued by a criminal, civil, or tribal court. If requested, the Pineville Beauty School will attempt to accommodate the student and/or employee within reasonable limits.

The Title IX Coordinator will be responsible for ensuring the individual, if he/she wants, has access to supportive services and accommodations which are reasonably available. The school will

consider each set of unique circumstances to determine what individualized services would be appropriate based on the facts and circumstances of that situation. The complainant does not have to file a formal complaint to be eligible for supportive services. The complainant and/or respondent does have the right to refuse supportive services and the school must ensure they indicate this on the report. All supportive services and accommodations will be kept confidential. Examples of supportive services are: Medical services; Counseling; Extending deadlines; Modifying class or work schedules; Placing mutual restrictions on contact between the parties; Providing campus escort services; Changing work hours; and Providing leaves of absence. The Pineville Beauty School will also inform the complainant and/or respondent of other resources which may be available to them. Support services will continue as long as they are reasonably available. Written notifications of support services and accommodations will be given to both the complainant and respondent. The school will continue its obligation in providing supportive measures during the COVID-19 pandemic. The supportive measures may include providing such options as remote schooling, telemedicine, etc.

LAW ENFORCEMENT INVESTIGATIONS

If there is a current investigation by law enforcement, at their request, the school will defer its assessment until the investigation by law enforcement is complete. Although the school's assessment may be deferred, information regarding supportive services, accommodations, resources, rights, interim measures (if required), and procedural information will be disclosed to both the complainant and respondent in writing. Final outcome of the investigation by law enforcement will not affect the outcome of the Pineville Beauty School's investigation, even if the respondent is not prosecuted under the federal or state judicial system. Resolutions by the Pineville Beauty School does not prevent the judicial process.

INITIAL ASSESSMENT

After contact has been made and the Title IX Coordinator has spoken with the complainant, the Title IX Coordinator will evaluate all information gathered so far and decide whether or not the school's policies may have been violated. If the Title IX Coordinator feels there is sufficient evidence, he/she will proceed with the resolution process. The Title IX Coordinator will also decide if the alleged incident is severe enough to put into effect interim measures. The school will utilize "preponderance of evidence" standard which means "more likely than not" or "fifty- fifty" likelihood of guilt when evaluating information obtained.

During the initial assessment, the Title IX Coordinator will do the following:

1. Review the information on the alleged incident.
2. A presumption of innocence throughout the grievance process, with the burden of proof on the school;
3. Assess the need to interim measures.
4. Discuss options with complainant regarding informal and formal resolutions.
5. Notify the complainant of the opportunity to provide further information and accounts of alleged incident during the resolution process along with the school's policy on sexual harassment and false statements.
6. Discuss with complainant the option of contacting law enforcement and the school's assistance in doing so.

7. Discuss supportive services, accommodations, and available resources including medical and mental treatment along with the importance of preserving evidence.
8. Discuss timely manner as defined by Clery Act with the complainant.
9. Inform both the complainant and respondent they may both have an Advisor of their choosing to accompany them throughout the process.
10. Inform both the complainant and respondent they may both have the right to review certain evidence.
11. Inform the respondent of allegations along with information on supportive services, accommodations, other available resources, and the ability to meet with the Title IX Coordinator regarding school's policy on Sexual Harassment and false statements.
12. Explain to both parties the Pineville Beauty School's policy regarding retaliation against both the complainant and respondent.

The Title IX Coordinator will issue both parties details in writing. During this time, the Title IX Coordinator will gather information from the complainant, respondent, and any witnesses.

NOTIFICATION OF INITIAL ASSESSMENT

The Title IX Coordinator will review all information gathered from the complainant, respondent, and any witnesses. The school will utilize "preponderance of evidence" standard which means "more likely than not" or "fifty-fifty" likelihood of guilt when evaluating information obtained. The Title IX Coordinator can choose to dismiss the report if there is not sufficient enough evidence to indicate the incident was a violation of policy. The Title IX Coordinator will notify the complainant and respondent in writing within fifteen (15) business days of the initial assessment of the outcome of findings unless further due diligence is necessary. If the Title IX Coordinator finds there was no evidence that a violation of policy was committed, the complaint will be dismissed. If the Title IX Coordinator finds sufficient enough evidence that there was a violation of policy, the Title IX Coordinator will discuss the option of proceeding with an informal or formal resolution process. Although the Pineville Beauty School will attempt to honor the rights of the complainant, the Title IX Coordinator may decide to proceed in a different direction from what the complainant prefers. If the Title IX Coordinator does so, both parties will be notified in writing. The Title IX Coordinator cannot facilitate an informal resolution process if the allegations when an employee was involved.

MANDATORY AND DISCRETIONARY DISMISSALS

A school must dismiss complaints where the conduct does not violate the school's sexual harassment policy, if the alleged incident did not occur during the school's educational program or activity, and if the sexual harassment did not occur within the United States. Although the school may dismiss the allegations, the school may still address the allegations through their code of conduct policy. The school may dismiss, at their discretion, if the complainant withdraws the complaint, if the respondent is no longer a student or employee at the school, or if the school is prevented from gathering sufficient information to reach a determination. The school must still promptly respond to the complainant's report even if the respondent has left the school prior to the filing of the formal complaint by informing the complainant about supportive measures and respecting the complainant's decision on the supportive measures. If wanting to appeal, the complainant and/or respondent must submit in writing an appeal to the Title IX Coordinator within ten (10) business days of receipt of the notification.

INTERIM MEASURES

After reviewing the initial assessment, if the Title IX Coordinator, finds there is a significant threat to anyone's physical health or safety, the Title IX Coordinator may put into effect interim protective measures, certain accommodations, and support services necessary to ensure the safety of its employees, students, and civilians on school grounds. The Pineville Beauty School will attempt to ensure all interim protective measures are kept private as long as it does not pose a further threat to the school community. If the Title IX Coordinator feels these measures need to be expanded, the respondent may be placed on interim separation. Although the respondent may be placed on interim separation and cannot be on school property, the Pineville Beauty School will continue to not be deliberately indifferent and accommodations will be made for the respondent to continue his/her education. Respondents which are employees may be put on administrative leave.

As per 34 CFR §106.44(c), "*Emergency removal*. Nothing in this part precludes a recipient from removing a respondent from the recipient's education program or activity on an emergency basis, provided that the recipient undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and provides the respondent with notice and an opportunity to challenge the decision immediately following the removal. This provision may not be construed to modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act of 1973, or the Americans with Disabilities Act."

INFORMAL RESOLUTION

The Pineville Beauty School will only offer an informal resolution process if there was a formal complaint previously filed. The informal resolution process must be agreed upon by both the complainant and respondent. Either party cannot be coerced or threatened into proceeding with the informal resolution process and will be informed of their rights, the allegations, and about withdrawing from the informal resolution process. An informal resolution may be unacceptable if the Title IX Coordinator believes the resolution does not meet the severity of the violation of the policy, the parties cannot come to a final resolution, or the respondent does not choose to take responsibility for the violation of the policy. Both parties will be informed confidentiality will be retained for both during the process and reports will be filed in their personal files. Filing an informal complaint does not prevent the complainant from deciding to file a formal complaint in the future.

The Title IX Coordinator will speak with the respective parties individually to discuss his/her findings and actions to be taken, including possible disciplinary actions. The Title IX Coordinator will review his/her findings prior to issuing written notification to both parties. The Title IX Coordinator will attempt to conclude the informal resolution process within forty-five (45) business days. The Title IX Coordinator will issue a written notification to both the complainant and respondent regarding the resolution proceedings. If the complainant and/or respondent disagree, they will have ten (10) business days from the receipt of the notification to submit a written request to the Title IX Coordinator to proceed with a formal resolution process. If the respondent accepts responsibility, the Review Committee will review and issue sanctions, which may include no disciplinary action other than the requests from the complainant, as long as the requests are reasonable.

The Title IX Coordinator cannot facilitate an informal resolution process if the allegations when an employee was involved.

FORMAL RESOLUTION

The Pineville Beauty School will attempt to complete the formal resolution process within sixty (60) business days. If the timeframe should need to be extended, the parties will be notified in writing of the reason. A formal resolution will occur when one or both parties do not come to an agreement during the informal process or if the Title IX Coordinator feels there is a significant threat. The Title IX Coordinator will inform both the complainant and respondent during the process. The respondent may at any point, prior to the investigation, accept responsibility. At this time, the respondent will be required to submit a written notification of the acceptance of responsibility to the Title IX Coordinator. If the Title IX Coordinator receives additional information during this time, he/she will notify the respondent of the new information in writing. If the respondent still agrees to accept responsibility, the Title IX Coordinator will waive the investigation and submit a written summary of the initial assessment and submit to the school's review committee for review and to determine disciplinary action. The complainant and respondent will be informed in writing of the summary for review within ten (10) business days of the respondent accepting responsibility. The review committee will determine and issue written notification to both the complainant and respondent once all information has been reviewed. The complainant and/or respondent will only be able to appeal the decision of the review committee if the complainant or respondent feels the disciplinary action is too lenient or severe. A written notification must be presented to the review committee within ten (10) business days of receipt of decision to appeal.

If the issue cannot be resolved through the informal resolution, the Title IX Coordinator will inform through written notification to the complainant and respondent of the process of the formal resolution. The information contained in the notification will consist of the allegations, preliminary findings, the investigation process, and information regarding proceedings.

The Pineville Beauty School will make every attempt to keep all information confidential. Only pertinent information will be provided to those investigating and responding to the incident. The school will maintain confidentiality pertaining to accommodations and supportive services provided to the complainant and respondent. Information given to the Pineville Beauty School's staff designated to respond and investigate these incidents will not be divulged to any other individual unless the individual who provided the information gives permission to do so. Certain campus officials, medical personnel, mental health providers, ordained clergy, and rape counselors who are bound by confidentiality as recognized by law. Information may be released by those bound by confidentiality when there is an imminent threat of harm to self or others or a minor is involved.

INVESTIGATION

The school is required to investigate any allegations in any formal complaint. The burden of gathering evidence and burden of proof will remain on the school and not the parties involved. Written notices will be sent to both the complainant and respondent of the allegations upon receipt of the formal complaint. Both the complainant and respondent will be informed of their equal rights and protections. Both parties will also be informed of the reason for all processes during

the resolution process in order for the parties involved to prepare and review information collected during the investigation as long, as the information is relevant to the allegations.

The school will inform both parties they may have other individuals with them including the right to have an Advisor present during the process. The complainant and respondent will have the option to select their advisors, if applicable, to assist in their review. The Advisor may, but does not have to be, an attorney. If a party does not have an advisor, the school will be required to, without fee or charge, provide one of his/her choice. The school will ensure both parties have an equal opportunity to provide witnesses and evidence. The school cannot prevent parties from discussing the allegations and obtaining relevant information. The Pineville Beauty School will inform all parties including their Advisors ten (10) business days prior of evidence directly related to the allegations, in electric format or hard copy, so they may inspect, review, and respond to the evidence. The Pineville Beauty School will promptly notify both parties with information regarding investigative interviews, meetings, or hearings upon scheduling.

The Title IX Coordinator will submit information obtained through the initial assessment and details of the informal resolution to the investigator. The Title IX Coordinator will designate an investigator who is trained and has experience in investigating sexual harassment allegations. The investigator will interview the complainant and respondent. The investigator will review any prior behavior which may have occurred by both parties. The investigator will attempt to obtain as much information as possible, other than personal records maintained by a physician, psychiatrist, psychologist, or other professionals which are treating the party and bound by confidentiality, unless the individual agrees to voluntarily provide authorization to obtain said information. Other sexual history will only be considered relevant if the evidence is to prove that someone other than the respondent committed the alleged incident or that the complainant had prior sexual behavior with the respondent and the evidence is being used to prove consent.

Both parties will have an opportunity to discuss with the investigator any further information to be considered, their recollection of the alleged incident, and any additional witnesses they deem could be relevant to the investigation. The investigator will inform both parties of the retaliation policy. The investigator may question witnesses regarding the alleged incident. All witnesses will be asked to maintain confidentiality and of the school's retaliation policy. In order to utilize the information received from the witnesses, the witnesses must have observed the incident or have relevant information pertaining to the alleged incident. Parties and their Advisors will be sent an investigative report that summarized relevant evidence, in electronic format or by hard copy with at least ten (10) business days for the parties to respond.

FORMAL PROCEDURES INVOLVING EMPLOYEES

When the formal procedure consists of an employee, the Title IX Coordinator and a member of the review committee will conduct the investigation. Both the complainant and respondent will be treated equally. The Pineville Beauty School will respond promptly in a manner that is not deliberately indifferent. This means in a manner that is not currently unreasonable in light of the known circumstances. The school will utilize "preponderance of evidence" standard which means "more likely than not" or "fifty-fifty" likelihood of guilt. The school must provide due process protections to ensure non-restriction of the rights protected under the United States Constitution. These include the First Amendment, Fifth Amendment, and Fourteenth Amendment rights of an

individual. The Title IX Coordinator cannot facilitate an informal resolution process if the allegations when an employee was involved.

INVESTIGATION REPORT

Once the investigation is completed, the investigator will compose a package of information obtained from all parties including the complainant, respondent, and witnesses. The investigator will not be allowed to make a recommendation of action as that is the role of the decision-maker.

The complainant and respondent along with their Advisors, if applicable, will be given a written copy of the investigation packet to review. Both parties will have ten (10) business days to respond. If neither party has issues, the investigator will be allowed to finalize the investigative packet. If either party disagrees with the draft investigation packet, both parties will have the opportunity to request changes, request there be further investigation, and submit any additional information to the investigator. The investigator will gather further information and submit a final investigation report for the parties to review. The parties will be given an additional ten (10) business days to review before any determination of responsibility or hearing, if applicable.

The Title IX Coordinator will have the opportunity to review the final investigation packet. If the respondent is found not to be responsible during the investigation, the complaint will be dismissed. If the complaint is dismissed, the complainant will have ten (10) business days to appeal the decision, which will be reviewed by the Review Committee and a final decision made. The appeal must be in writing and submitted to the Title IX Coordinator. If the respondent accepts responsibility, both parties will be notified in writing of the conclusion and the Review Committee will issue sanctions as described in the school's policy on disciplinary sanctions and restrictions. If the respondent rejects the decision, the process will move to a live hearing consisting of the Review Committee. The Review Committee will designate one of the individuals to act as the decision-maker. The Title IX Coordinator may be present during the live hearing.

DECISION-MAKER REGULATIONS

The decision-maker cannot be the same individual who acted in the preliminary process, such as the Title IX Coordinator or Investigator. The decision-maker may objectively evaluate the evidence and reach conclusions. The decision-maker cannot be impartial to one party and must have special training on how to be impartial and be able to determine what evidence is relevant to meet the standard of evidence for sexual harassment allegations.

HEARINGS

The live hearing will consist of cross-examination. The live hearing may be conducted physically or virtually as long as all parties have the ability to see and hear one another during real time. Telephone calls are not allowed during the live hearing as they do not meet regulations. Since the Pineville Beauty School offers the opportunity to conduct live hearings virtually, any requests for temporary postponements of hearings will be reviewed by the school. When granting a delay or extension, the school will take into account the circumstances and all individuals involved. If the delay or extension is granted, all parties will be notified of the reason, the estimated time of the delay, and important updates about the investigations.

Parties may request hearings be in separate rooms during the live hearing. Live hearings will be recorded, either by audio, audiovisual recordings, or transcript. Recordings will be made available to parties for review. This assists in appeals and to ensure the decision-maker did not act impartially. Only advisors may have the right to cross-exam. If a party does not have an advisor, the school will be required to, without fee or charge, provide one of its choices. The decision-maker must review all questions of the advisors to ensure relevancy. If the decision-maker determines the questions are not relevant, the decision-maker will inform the parties the reason the questions were excluded.

Advisors will be able to cross-exam complainants, respondents, and witnesses. Parties are not required to submit to cross-examination or even participate in the grievance process. If a party or witness refuses to submit to cross-examination, the decision-maker is unable to utilize statements made by said party or witness in his/her decision making as long as his/her decision is not based on the refusal to be cross-examined. Evidence and questions regarding the complainant's prior sexual predisposition cannot be considered relevant unless the evidence is to prove that someone other than the respondent committed the alleged incident or that the complainant had prior sexual behavior with the respondent and the evidence is being used to prove consent. Advisors will not be allowed to cross-examine an individual regarding medical or mental-health records unless given written consent by said party. The Pineville Beauty School will ensure HIPAA laws are followed. The "preponderance of evidence" standard will be utilized in the determination process.

WRITTEN NOTIFICATION OF DECISION

After the live hearing has commenced, the decision-maker will objectively evaluate the evidence and make a determination. A written notification will be sent to both parties simultaneously along with information on how to appeal the decision along with details of the formal proceedings. The written notification must include the following:

1. Identification of the allegations potentially constituting sexual harassment as defined in §106.30;
2. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the recipient's code of conduct to the facts;
5. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the recipient imposes on the respondent, and whether remedies designed to restore or preserve equal access to the recipient's education program or activity will be provided by the recipient to the complainant; and
6. The recipient's procedures and permissible bases for the complainant and respondent to appeal.

The recipient must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the recipient provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

If the respondent is found to be responsible of the allegations, the Review Committee will impose sanctions and ensure the complainant is provided with solutions. The Pineville Beauty School will

also ensure non-retaliation measures are taken for the complainant. If it is decided the respondent was not responsible, he/she will be afforded the same services and measures as the complainant. The Title IX Coordinator will be responsible for ensuring all solutions are carried out. (34 C.F.R. § 106.45)

APPEALS PROCESS

The complainant or respondent has the right to appeal the decision after a dismissal prior to the grievance process, whether mandatory or discretionary, or at the end of the grievance process. Once the school issues the written notification from the formal proceedings, the parties will have ten (10) business days from the date of notification to file a written appeal. The written appeal should include the details of what he/she is appealing. The following are grounds for appeal:

1. Procedural irregularity that affected the outcome of the matter;
2. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
3. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.

Both parties will be issued a written notification informing them they equally have the right to appeal. Both parties will equally have the right to submit written statements accepting or challenging the outcome. The school will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties. The school will ensure that the decision-maker(s) for the appeal is not the same person as the decision-maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator. The school will ensure the decision-maker for the appeal complies with the standards set forth in paragraph of 34 C.F.R. 106.45(b)(1)(iii). The new decision-maker will review the written statements provided by the complainant and respondent. Once the information has been reviewed, the decision-maker will inform both parties simultaneously in writing of the decision. Once the decision has been made, the appeals process is final and neither party may appeal this decision. If the determination stands and the respondent is still found to be responsible for the violation of policy, the Review Committee will impose sanctions and ensure the complainant is provided with solutions. The Pineville Beauty School will also ensure non-retaliation measures are taken for the complainant. If it is decided the respondent was not responsible, he/she will be afforded the same services and measures as the complainant. The Title IX Coordinator will be responsible for ensuring all solutions are carried out. (34 CFR §106.45)

STANDARD OF EVIDENCE

The school will utilize “preponderance of evidence” standard which means “more likely than not” or “fifty-fifty” likelihood of guilt. The school must provide due process protections to ensure non-restriction of the rights protected under the United States Constitution. These rights include the First Amendment, Fifth Amendment, and Fourteenth Amendment. The “preponderance of evidence” standard also ensures that both the complainant and respondent have the same opportunity to provide relevant facts.

PRESUMPTION OF NON-RESPONSIBILITY

Until the conclusion of the grievance process, the Pineville Beauty School will follow guidelines outlined in the following federal regulations pertaining to the presumption of non-responsibility. As per 34 CFR §106.45(b)(1)(iv), the respondent is presumed to not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. This does not imply that the respondent is truthful or that the complainant is lying. As per 85 FR 30,259, “a recipient cannot use the presumption as an excuse not to respond to a complainant as required under § 106.44(a), or not to objectively evaluate all relevant evidence in reaching a determination regarding responsibility”

RECORDKEEPING

As per 34 CFR §106.45 (b)(10), the Pineville Beauty School will follow the federal regulations listed in the above-mentioned CFR when maintaining records pertaining to Title IX procedures. Investigation records, appeal records, materials associated with the appeal process, records of supportive measures taken in response to a report or complaint of sexual harassment, materials used in the training of Title IX Coordinators, investigations, documented hearing details, decision-makers, and any individual who facilitates an informal resolution will be retained for seven (7) years.

DISCIPLINARY SANCTIONS AND/OR RESTRICTIONS

The Pineville Beauty School does not discriminate on the basis of race, color, creed, national and ethnic origin, sex, age, religion, disability, sexual orientation or other legally protected status in its administration of any educational programs or financial aid programs. In order to ensure the health and safety of our employees and students, the Pineville Beauty School prohibits sex discrimination, sexual harassment and/or sexual violence. This includes incidents on and off the school’s premises. This applies to all school programs including extra-curricular activities pertaining to the school. This may also include any incidents off campus which may interfere with the health and safety of the school’s employees and students. This policy applies to all students, employees, contractors, and visitors. As per 34 CFR §106.45(b)(1)(iv), the respondent is presumed to not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. This does not imply that the respondent is truthful or that the complainant is lying. As per 85 FR 30,259, “a recipient cannot use the presumption as an excuse not to respond to a complainant as required under §106.44(a), or not to objectively evaluate all relevant evidence in reaching a determination regarding responsibility”. Punishment is at the discretion of the school and could include suspension, expulsion, or disciplinary action to include termination of employment for employees and a no-contact order for individuals deemed responsible. Punishment may also include protective orders or similar lawful orders issued by a criminal, civil, or tribal court. As per 34 CFR §106.45(b)(1)(i), the Pineville Beauty School will ensure the sanctions and/or restrictions imposed will be “designed to restore or preserve equal access to the recipient's education program or activity”. 34 CFR § 106.45(b)(1)(i) also states, “Such remedies may include the same individualized services described in §106.30 as “supportive measures”; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent”.

TRAINING

The Pineville Beauty School presents crime prevention awareness and prevention sessions on sexual discrimination, sexual harassment, sexual assault, domestic violence, dating violence, and stalking, as well as educational sessions on personal safety to incoming students and all employees. Annual training is conducted to educate students and employees. These programs will cover how to identify, prevent and respond to incidents of sexual discrimination, sexual harassment, sexual assault, domestic violence, dating violence, stalking, and information regarding the behaviors associated with sexual violence. All students and employees will be notified on who to contact when an incident occurs along with contact information, definition of sexual harassment including defining associated terms listed in the Pineville Beauty School Sexual Harassment Policy, the process of filing an informal and formal report, resource information, supportive services, and accommodations available to them within and outside of the school. A review of the Annual Security Report will also be discussed with both students and employees. A common theme of all awareness and crime prevention programs is also to encourage students and employees to be aware of their responsibility for their own security and the security of others. In addition to trainings, information will be disseminated to students and employees through crime and sexual assault prevention awareness packets and placed on the Pineville Beauty School's website. The following will be samples of trainings which will be required by all employees and students.

Although we educate students and employees on sexual harassment, the Pineville Beauty School always tries to ensure that its students and employees have access to information regarding this topic.

Sexual Assault, Consent and Sexual Harassment: What's The Difference?

<https://www.youtube.com/watch?v=4qWt2qZ59w8>

RAINN.ORG (Rape, Abuse, & Incest National Network - Staying Safe on Campus

<https://www.rainn.org/articles/staying-safe-campus>

Warning Signs for College-Age Adults

<https://www.rainn.org/articles/warning-signs-college-age-adults>

Warning Signs for Teens

<https://www.rainn.org/articles/warning-signs-teens>

What is consent?

<https://www.rainn.org/articles/what-is-consent>

Alcohol Safety

<https://www.rainn.org/articles/alcohol-safety>

Steps You Can Take To Prevent Sexual Assault <https://www.rainn.org/articles/steps-you-can-take-prevent-sexual-assault>

National Domestic Violence Hotline

Healthy Relationships <https://www.thehotline.org/healthy-relationships/>

National Center for Victims of Crime

Stalking: Real Fear, Real Crime <https://www.youtube.com/watch?v=K3bTc22pq-o>

You Tube

What is Sexual Assault? https://www.youtube.com/watch?v=Y_yJZ9G-tt4

EMPLOYEE TRAININGS

All employees will be trained on the Title IX process annually. New employees will be trained upon hiring. Training will include training on the Pineville Beauty School's sexual harassment policy including, but not limited to, the following:

- The new regulations to include the definition of sexual harassment along with how Title IX extends to all educational programs and activities;
- The process of how to proceed from the initial report to final disciplinary actions, if applicable;
- The "preponderance of evidence" standard, due process, and how to serve impartially to avoid pre-judgment, conflicts of interest, and bias opinions;
- Supportive measures and accommodations;
- The new method of investigation;
- The process of informal and formal hearings;
- How to conduct live hearings and any software which may be utilized in holding virtual live hearings.

The Pineville Beauty School will build and add training, as necessary, to ensure all employees are correctly trained and follow all regulations as stated in the new Title IX regulations. New employees will be trained during orientation. All employees will also be subject to the same training as students. The following are examples of trainings which will be required by all employees.

US Department of Education/Office for Civil Rights Title IX: An Introduction to the New Regulations.

Webinar: <https://www.youtube.com/watch?v=TdfT5R8ibm4&feature=youtu.be>

US Department of Education / Office for Civil Rights Due Process Protections Under New Title IX Regulations

Webinar: <https://www.youtube.com/watch?v=48UwobtiKDI>

Friedfel, Susan D., and Crystal L. Tyler. "Department of Education Amended Title IX Regulations." *The National Law Review* X, no. 223 (June 11, 2020). Accessed August 10, 2020. <https://www.natlawreview.com/article/department-education-amended-title-ix-regulations>.

OFFICE OF CIVIL RIGHTS

Questions or concerns regarding discrimination may also be directed to the Office of Civil Rights.

U.S. Department of Education Office for Civil Rights

Lyndon Baines Johnson Department of Education Bldg.

400 Maryland Avenue, SW

Telephone: (800)-421-3481

Fax: (202) 453-6012 TDD: (800)877-8339

Email: OCR@ed.gov

You may also visit the following: <https://www2.ed.gov/about/offices/list/ocr/index.html>

ANNUAL CAMPUS SECURITY REPORT

The Annual Campus Security Report can be found at <http://nces.ed.gov/collegenavigator/?q=pineville+beauty+school&s=all&id=160199> or may be obtained by requesting a copy from the school's Administrative Office. Each student will receive a copy annually by October 1. Entire Annual Report may also be found on the school's website at <https://www.pinevillebeauty.com/wp-content/uploads/PinevilleBeautySchoolSafetyandSecurityHandbook.pdf>.

The Annual Campus Security Report includes information regarding the following:

- Policies regarding alcoholic beverages and underage drinking laws.
- Policies regarding illegal drugs and applicable federal and state drug laws.
- Programs on substance abuse.
- Programs to prevent dating violence, domestic violence, sexual assault and stalking, and the procedures institutions will follow when such crimes are reported.
- Information regarding sex offenders.
- Descriptions of emergency response and evacuation procedures.
- Policies regarding missing student notifications.
- Campus crime statistics for last three (3) years.
- Policies regarding procedures for reporting criminal actions or other emergencies on campus.
- Policies on security of and access to campus facilities.
- Policies on enforcement authority of security personnel; working relationship of campus security personnel with State and local police agencies; accurate and prompt reporting of crimes; pastoral and professional counselors.
- Programs on campus security procedures and practices.

SEX OFFENDERS

The Campus Sex Crimes Prevention Act (CSCPA) of 2000 is a federal law that provides for the tracking of convicted sex offenders enrolled at, or employed at, any schools of higher education. You may obtain a list of registered sex offenders in Louisiana by visiting: <http://www.lsp.org/socpr/default.html>

You may obtain a list of registered sex offender in the United States by visiting:

<https://www.nsopw.gov/>

LAW ENFORCEMENT AGENCIES

In case of an emergency, please dial 911 and they will contact local law enforcement to get you help. We have also listed contact information for law enforcement agencies:

LOUISIANA STATE POLICE

Website: <http://www.lsp.org/contact.html>

Phone: LSP HQ Main Number: 225-925-6006

LOCAL LAW ENFORCEMENT AGENCIES

Pineville City Police Department - (318) 442-8362

Alexandria Police Department – (318) 449-5099

Rapides Parish Sheriff's Department - (318) 473-6717

DEPARTMENT OF CHILDREN AND FAMILY SERVICES

dcfs.louisiana.gov

627 N. Fourth St.

Baton Rouge, LA 70802(225) 524-3578

RESOURCES

The Pineville Beauty School wants to ensure the wellbeing of all its students and employees. In order to do so, the Pineville Beauty School has put together a list of resources available to all students and employees regarding sexual assault, domestic violence, dating violence, and stalking. If more information is needed, please speak to the Title IX Coordinator of the school. The Pineville Beauty School will assist its students and/or employees to provide all supportivemeasures and accommodations which are reasonably accessible.

TITLE IX COORDINATOR INFORMATION

Brandi Perego 1008 Main Street

Pineville, LA 71360

(318) 445-1040

staff@PinevilleBeauty.com

HOTLINES

The National Sexual Assault Hotline (RAINN) (Rape, Sexual Assault & Incest)

(800) 656-HOPE (4673)

Visit <https://rainn.org/get-information> to obtain additional information regarding sexual assault.

The National Domestic Violence Hotline

(800) 799-SAFE (7233)

TTY (800) 787-3224

Visit <http://www.thehotline.org/resources/> to obtain additional information regarding domestic violence.

Child Abuse Hotline

(800) 4-A-CHILD (800-422-4453)

Visit <https://www.childhelp.org/hotline/> to obtain additional information regarding child abuse.

The National Center for Victims of Crime – Stalking

(855) 4-VICTIM (855-484-2846)

Visit <https://victimsofcrime.org/stalking-resource-center/> to obtain additional information regarding stalking.

Child Abuse and Neglect Hotline

(800) 4 A Child (1.800.422.4453)

Visit <https://www.childwelfare.gov/> for more information regarding child abuse and neglect.

Louisiana Department of Children & Family Services

(855) 4LA-KIDS (855) 452-5437

The National Suicide Prevention Hotline

(800) 273-8255

Visit <https://suicidepreventionlifeline.org/> for more information regarding suicide prevention.

The National Domestic Violence Hotline

(800) 799-7233

TTY (800) 787-3221

Visit <https://www.thehotline.org/resources/> for more information and resources.

LOCAL DOMESTIC ABUSE AND SEXUAL ASSAULT RESOURCES

Rapides Outreach of Faith House Crisis Center

(318) 448-0884

(318) 231-8954

(888) 411-1333

24-Hour Toll-Free Crisis Line – (888) 411-1333 <http://faithhouseacadiana.com/>

Louisiana Coalition Against Domestic Violence

<http://lcadv.org/programs-resources/>

24 Hour Statewide Hotline – (888) 411-1333

24 Hour National Hotline – (800) 799-7233 <http://lcadv.org/programs-resources/>

This site contains a link for all the Battered Women’s Shelters for the State of Louisiana.

Louisiana Foundation Against Sexual Assault

<http://www.lafasa.org/main/home>

http://www.lafasa.org/main/find_a_local_center (Link for Sexual Assault Centers in Louisiana)

(225) 372-8995

YWCA (Domestic and Sexual Violence Services)

5912 James Street

Alexandria, LA 71303-2015

(318) 442-3397

Visit <https://www.ywca.org/> for more information and resources.

COUNSELING AND VICTIM'S ADVOCACY

Center for Family & Individual Counseling

5615 Jackson St, #K Alexandria, LA 71303
(318) 443-7711

Rapides Children's Advocacy Center

1506 Albert Street
Alexandria, LA 71309
(318) 448-4006

Information on other counseling services can be obtained by contacting the hotlines and resources listed above.

OTHER RESOURCES

Manna House (Meals)

2655 Lee Street
Alexandria, LA 71301
(318) 445-9053

FoodPantries.org

<https://www.foodpantries.org/st/louisiana>

Louisiana Department of Children and Family Services

1-888-524-3578

1-844-224-6188 TTY

Visit <http://www.dcf.louisiana.gov/page/get-snap> for more information.

Hope House of Central Louisiana -Alexandria (Shelter)

5115 South MacArthur Drive Alexandria, LA 71302
(318) 487-2061

Evergreen Safe House (Shelter)

205 Hill Street
Evergreen, LA 71333
(318) 346-4962

Shelter Search

<https://www.shelterlist.com/state/louisiana>

Volunteers of America

<https://www.voa.org/>