## STUDENT AND EMPLOYEE ANTI-HARASSMENT AND DISCRIMINATION POLICY

Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie is committed to providing a work and school environment free of unlawful harassment or discrimination. In furtherance of this commitment, all students are required to take our mandatory Sexual Harassment and Prevention Training upon starting in school. Employees are required to take the training on an annual basis. School policy prohibits harassment or discrimination based on race, religion, creed, color, national origin, ancestry, sex (including pregnancy, childbirth or related medical conditions), military or veteran status, physical or mental disability, medical condition, marital status, age, sexual orientation, gender, gender identity or expression, genetic information or any other basis protected by the federal, state or local law. Additionally, in accordance with Title IX of the Education Amendments of 1972, Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie prohibits discrimination based on sex, which includes sexual harassment and sexual violence, and Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie has jurisdiction over Title IX complaints.

Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie's anti-harassment policy applies to all persons involved in the operation of Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie, and prohibits unlawful harassment by any employee of Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie, as well as students, customers, third parties, vendors or anyone who does business with Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie. It further extends to prohibit unlawful harassment by or against students. 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 Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie does business engages in unlawful harassment or discrimination, Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie will take appropriate corrective action. The grievance procedure will provide that complaints may be filed about discrimination in any academic, educational, extracurricular, athletic or other programs operated or sponsored by, or related to, Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie, whether the programs take place on the campus of a school, during a school-sponsored field trip, or other off-campus events.

As part of Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie's commitment to providing a harassment-free working and learning environment, this policy shall be disseminated to Vanguard College of Cosmetology A Paul Mitchell Partner School community through publications, Vanguard College of Cosmetology A Paul Mitchell Partner School website, new employee orientations, student orientations, and other appropriate channels of communication. Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie will provide training to key staff members to enable Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie to handle any allegations of discrimination and harassment, including sexual harassment or sexual violence, promptly and effectively. Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie will respond quickly to all reports, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

### Definitions

Sex Discrimination is defined as treating individuals differently on the basis of sex with regard to any aspect of services, benefits, or opportunities Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie provides such as:

1. Treat a person differently in determining whether he or she satisfies any requirement or condition for the provision of an aid, benefit, or service;
2. Provide different aid, benefits, or services or provide aid, benefits, or services in a different manner;
3. Deny any person an aid, benefit, or service
4. Subject any person to separate or different rules of behavior, sanctions, or other treatment in providing an aid, benefit, or service
5. Aid or perpetuate discrimination against any person by providing significant assistance to any agency, organization, or person which discriminates on the basis of sex in providing any aid, benefit or service to students or employees;
6. Otherwise limit any person in the enjoyment of any right, privilege, advantage, or opportunity.

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.

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.

Domestic Violence is defined as abuse committed against and adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

Dating Violence is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

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).

Stalking is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

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 it withdrawn, the sexual activity must stop immediately.

**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, color or any other legally protected basis if:

❶ submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;
❷ 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
❸ it creates a hostile or offensive 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, sex 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.

**Complaint/Grievance Procedure**

The following grievance procedures shall be used to address sex discrimination complaints filed by students/employees or complaints filed on their behalf against employees, other students, or third parties.

If you believe that you have experienced or witnessed harassment or sexual violence, notify your Learning Leader, supervisor, Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie Owner, 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 Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie is exempt from the prohibitions in this policy.

Supervisors will refer all harassment complaints to the Title IX Coordinator for student-related complaints and to Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie Owner if the complaint involves an employee. In order to facilitate the investigation, your complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses. A sex discrimination complaint should be filed within 180 days from the date of the alleged discriminatory incident. Upon receiving any report of discrimination, including harassment, regardless of the filing date or when the school receives notice, the school will take steps to prevent recurrence of discrimination and correct its discriminatory effects on the student, and on others, if appropriate. All documentation pertaining to the complaint/grievance will be confidential. The complaint/grievance once received will be maintained in the student's and/or employee's permanent file, which has limited staff access, this includes verbal complaints.

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.

The Grievant/Complainant may use the Title IX Grievance Form, but it is not required, to file a Title IX discrimination complaint.

| **Title IX Coordinator:** ***(Metairie)*** | **School Director:** ***(for complaints involving employees)*** |
|---|---|
| Christy Smith<br>3321 Hessmer Ave. 2nd floor<br>Metairie, LA 70002<br>christys@vanguard.paulmitchell.edu<br>504-212-3321 | Ashley Burd<br>3321 Hessmer Ave. 2nd floor<br>Metairie, LA 70002<br>ashleyb@vanguard.paulmitchell.edu<br>504-212-3321 |

Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie 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 Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie's grievance procedures operate. Because complaints can also be filed with the School Owner, these employees also receive training on Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie's grievance procedures.

**Investigation of Complaints**

In response to all complaints, Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie 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. If a complainant requests confidentiality, Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie will take all reasonable steps to investigate and respond to the complaint consistent with the request. If a complainant insists that his or her name or other identifiable information not be disclosed to the alleged perpetrator, Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie will inform the complainant that its ability to respond may be limited.

The preponderance of the evidence standard will apply to investigations, meaning Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie will evaluate whether it is more likely than not that the alleged conduct occurred. Both parties will receive written notice of the outcome of the complaint within 60 days of receipt of complaint. Written notice will include:

❶ Whether Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie found that the alleged conduct occurred, and whether it constituted discrimination.

❷ Any individual remedies offered or provided to the complainant or any sanctions imposed on the respondent that directly relate to the complainant. The respondent's version will not include individual remedies offered or provided to the complainant unless the remedy directly involves the respondent.

❸ Any other steps Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie took to eliminate the hostile environment, if Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie found one to exist, and prevent recurrence.

During the investigation, Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie will provide interim measures, as necessary, to protect the safety and wellbeing of students and/or employees involved. Examples of temporary and permanent measures to protect the complainant as necessary are:

1. No contact order
2. Change academic situations as appropriate with minimum burden on the complainant
3. Counseling
4. Health and mental services
5. Escort services
6. Academic support
7. Retake a program or withdraw without penalty

If Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action will be taken in accordance with the circumstances involved, and Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie will take steps to prevent the recurrence of any harassment or discrimination. Any employee determined by Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie 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.

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

Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie should make appropriate referrals to law enforcement. Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie will also notify complainants of the right to proceed with a criminal investigation and a Title IX complaint simultaneously.

Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie will not wait for the criminal investigation or criminal proceeding to be concluded before beginning its own investigation.

**Retaliation Prohibited**

Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie prohibits any form of retaliation, intimidation or harassment against any individual who filed or otherwise participated in the filing or investigation of a complaint of discrimination. Any individual who believes he/she has been subjected to retaliation may file a separate complaint under this procedure.

**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. Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie 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. Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

**Additional Information**

Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie does not allow conflicts of interest (real or perceived) by those handling the procedures. The school does maintain all documentation of any proceeding. The school will inform the students at regular intervals of the status of the investigation. The school will disallow evidence of past relationships.

Employees should contact Vanguard College of Cosmetology A Paul Mitchell Partner School - Metairie Director 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 discrimination, including 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/.