

## **STUDENT AND EMPLOYEE ANTI-HARASSMENT AND DISCRIMINATION POLICY**

Hair Expressions Academy - Paul Mitchell The School - Jessup is committed to providing a work and school environment free of unlawful harassment or discrimination. In furtherance of this commitment, all students and employees are required to take our mandatory Sexual Harassment and Prevention Training. Students are required to take this 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, Hair Expressions Academy - Paul Mitchell The School - Jessup prohibits discrimination based on sex, which includes sexual harassment and sexual violence, and Hair Expressions Academy - Paul Mitchell The School - Jessup has jurisdiction over Title IX complaints.

Hair Expressions Academy - Paul Mitchell The School - Jessup's anti-harassment policy applies to all persons involved in the operation of Hair Expressions Academy - Paul Mitchell The School - Jessup, and prohibits unlawful harassment by any employee of Hair Expressions Academy - Paul Mitchell The School - Jessup, as well as students, customers, third parties, vendors or anyone who does business with Hair Expressions Academy - Paul Mitchell The School - Jessup. 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 Paul Mitchell The School Jessup does business engages in unlawful harassment or discrimination, Paul Mitchell The School Jessup 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, Hair Expressions Academy - Paul Mitchell The School - Jessup, 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 Hair Expressions Academy - Paul Mitchell The School - Jessup's commitment to providing a harassment-free working and learning environment, this policy shall be disseminated to Hair Expressions Academy - Paul Mitchell The School - Jessup community through publications, Hair Expressions Academy - Paul Mitchell The School - Jessup website, new employee orientations, student orientations, and other appropriate channels of communication. Hair Expressions Academy - Paul Mitchell The School - Jessup will provide training to key staff members to enable Hair Expressions Academy - Paul Mitchell The School - Jessup to handle any allegations of discrimination and harassment, including sexual harassment or sexual violence, promptly and effectively. Hair Expressions Academy - Paul Mitchell The School - Jessup 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 Hair Expressions Academy - Paul Mitchell The School - Jessup 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 an 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 is 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:

- ① submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;
- ② 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
- ③ 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, non-verbal 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, Hair Expressions Academy - Paul Mitchell The School - Jessup 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 Hair Expressions Academy - Paul Mitchell The School - Jessup 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 Hair Expressions Academy - Paul Mitchell The School - Jessup 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 other complaints should be referred to the School Owner.

All complaints for Title IX 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.

Any student having a grievance regarding the school or its employees must submit it in writing to the School Director. The School Director will make a final determination of the grievance within five (5) business days of receiving the written grievance. The student also has the right to file a grievance or complaint, in writing, to The Maryland Higher Education Commission.

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

<b>Title IX Coordinator:</b> Stephanie Brown, Admissions Leader 7351 Assateague Dr. Jessup, MD 20794 stephanie@pmts Jessup.com 443-661-4173	<b>School Owner: (for complaints involving employees)</b> Ed Ruiz 7351 Assateague Dr. Jessup, MD 20794 hairex1@aol.com 443-661-4173
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Hair Expressions Academy - Paul Mitchell The School - Jessup 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 Hair Expressions Academy - Paul Mitchell The School - Jessup's grievance procedures operate. Because complaints can also be filed with the School Owner, these employees also receive training on Hair Expressions Academy - Paul Mitchell The School - Jessup's grievance procedures.

## Investigation of Complaints

In response to all complaints, Hair Expressions Academy - Paul Mitchell The School - Jessup 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, Hair Expressions Academy - Paul Mitchell The School - Jessup 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, Hair Expressions Academy - Paul Mitchell The School - Jessup will inform the complainant that its ability to respond may be limited.

The preponderance of the evidence standard will apply to investigations, meaning Hair Expressions Academy - Paul Mitchell The School - Jessup 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:

- 1 Whether Hair Expressions Academy - Paul Mitchell The School - Jessup found that the alleged conduct occurred, and whether it constituted discrimination.
- 2 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.
- 3 Any other steps Hair Expressions Academy - Paul Mitchell The School - Jessup took to eliminate the hostile environment, if Hair Expressions Academy - Paul Mitchell The School - Jessup found one to exist, and prevent recurrence.

During the investigation, Hair Expressions Academy - Paul Mitchell The School - Jessup 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 Hair Expressions Academy - Paul Mitchell The School - Jessup determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action will be taken in accordance with the circumstances involved, and Hair Expressions Academy - Paul Mitchell The School - Jessup will take steps to prevent the recurrence of any harassment or discrimination. Any employee determined by Hair Expressions Academy - Paul Mitchell The School - Jessup 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 Hair Expressions Academy - Paul Mitchell The School - Jessup's disciplinary process. To the extent that an employee or contract worker is not satisfied with Hair Expressions Academy - Paul Mitchell The School - Jessup's handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief. Hair Expressions Academy - Paul Mitchell The School - Jessup should make appropriate referrals to law enforcement. Hair Expressions Academy - Paul Mitchell The School - Jessup will also notify complainants of the right to proceed with a criminal investigation and a Title IX complaint simultaneously.

Hair Expressions Academy - Paul Mitchell The School - Jessup will not wait for the criminal investigation or criminal proceeding to be concluded before beginning its own investigation.

### **Retaliation Prohibited**

Hair Expressions Academy - Paul Mitchell The School - Jessup 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. Hair Expressions Academy - Paul Mitchell The School - Jessup 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. Hair Expressions Academy - Paul Mitchell The School - Jessup reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

### **Additional Information**

Hair Expressions Academy - Paul Mitchell The School - Jessup 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 Hair Expressions Academy - Paul Mitchell The School - Jessup 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/>.