

Diamonds Cosmetology College Policy Discrimination & Harassment on the Basis of Sex

Diamonds Cosmetology (“Diamonds”) is committed to complying with all laws that prohibit discrimination on the basis of sex in admission to, employment with, and otherwise in the operation of its educational program and activities. Among the applicable laws, Title IX of the Education Amendments of 1972 prohibits sex discrimination and sexual harassment in schools. In compliance with Title IX, Diamonds is committed to ensuring that all its students have equal opportunity to benefit from our program and activities, and that all its employees enjoy equal employment opportunity, free from sex discrimination and sexual harassment. The protections of Title IX also extend to third parties. Diamonds developed this policy to ensure that all complaints of sex discrimination and sexual harassment—whether brought by students, employees, or third parties—are promptly investigated and, where a violation is found, that Diamonds takes action to end the conduct, prevent its recurrence, and address its effects.

Title IX Coordinator

Diamonds’ Title IX Coordinator oversees and supports Diamonds’ enforcement of this Title IX policy. The contact information for the Title IX Coordinator is as follows:

Patsy Stengel

Title IX Coordinator Diamonds Cosmetology College

Phone: (903) 891-0758 Fax: 1 (800) 783-8498

E-mail: diamondscosmetology@gmail.com

Ms. Stengel is available to speak with students, employees, and third parties who have questions concerning this Title IX policy and/or wish to make a complaint of an alleged violation of this policy. Additional information concerning the role and duties of the Title IX Coordinator is provided below.

Definitions and Examples of Conduct Prohibited Under this Policy

Sex Discrimination - Sex discrimination means treating an individual or group less favorably than another based upon the sex or gender of that individual or group. For students, it involves conduct or statements that deny the student(s) an equal opportunity to fully benefit from the school’s program and activities. For employees, it involves conduct or statements that deny the employee(s) an equal opportunity in employment.

Sexual Harassment - Sexual harassment is one form of sex discrimination. Sexual harassment is 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 when: (1) submission to such conduct is made a term or condition of enrollment or employment; (2) submission to or rejection of such conduct is used as a basis for enrollment- or employment-related decisions; or (3) such conduct has the effect of unreasonably interfering with school or work performance or creating an intimidating, hostile, or offensive environment. Sexual harassment also includes sexual assault, as defined below.

Sexual harassment is defined by the sexual nature of the conduct or communication, not the gender of the individuals involved. Therefore, it may be perpetrated by and against individuals of either gender, and between individuals who are of the same gender.

The determination of what constitutes sexual harassment will vary with the particular circumstances. Uncivil conduct or common profanity generally do not meet the definition of sexual harassment, except where sexual in nature and so severe or pervasive as to deny or limit the individual’s ability to participate in or benefit from the school’s program (in the case of a student) or to enjoy equal employment opportunity (in the case of an employee). A series of incidents may constitute sexual harassment, even if one of the incidents on its own would not rise to the level of harassment. At the same time, a single or isolated action may constitute sexual harassment when that action is sufficiently severe.

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While hostile-environment sexual harassment may encompass a wide range of conduct, some examples of specifically prohibited conduct include:

- Acts of verbal, non-verbal, or physical aggression, intimidation or hostility based on sex or sex stereotyping
- Use of offensive or demeaning terms that have a sexual connotation
- Objectionable physical closeness, behavior, actions, or contact
- Inappropriate or repeated suggestions regarding, or invitations to, social engagements or events, whether or not Diamonds –related
- Suggestions, express or implied, that the terms or conditions of enrollment or employment may depend on the granting of sexual favors
- Actions relating to a student’s or employee’s status with Diamonds which is in fact impacted by providing or refusing to provide sexual favors
- Jokes or remarks of a sexual nature
- Showing or sending materials that have a sexual content or are of a sexual nature (such as cartoons, articles, pictures, etc.), either by e-mail, interoffice mail, internet or otherwise

This list is not exhaustive. Diamonds reserves the right to determine whether particular conduct violates its Title IX policy or is otherwise inappropriate under other policies. All people subject to this policy— including employees, students, and third-parties—are expected to treat the others with whom they interact in connection with their employment, education, or presence at Diamonds with respect at all times. In determining whether certain conduct creates a hostile environment in violation of this policy, Diamonds considers all relevant circumstances. Relevant factors may include, but are not limited to:

- The degree to which the conduct has affected one or more person’s education and/or employment
- The type, frequency, and duration of the conduct
- The identity of and relationship between the alleged harasser and the subject or subjects of the harassment
- The number of individuals involved.

The totality of the circumstances will be considered in determining whether a hostile environment exists.

Sexual Assault - Sexual assault is a form of sexual harassment. A range of conduct falls into the category of sexual assault, including without limitation sexual violence, sexual battery, sexual coercion, rape, or other sexual contact involving force, threat, or intimidation.

- Acts of verbal, non-verbal, or physical aggression, intimidation or hostility based on sex or sex stereotyping
- Use of offensive or demeaning terms that have a sexual connotation
- Objectionable physical closeness, behavior, actions, or contact
- Inappropriate or repeated suggestions regarding, or invitations to, social engagements or events, whether or not Diamonds -related
- Suggestions, express or implied, that the terms or conditions of enrollment or employment may depend on the granting of sexual favors
- Actions relating to a student’s or employee’s status with Diamonds which is in fact impacted by providing or refusing to provide sexual favors
- Jokes or remarks of a sexual nature
- Showing or sending materials that have a sexual content or are of a sexual nature (such as cartoons, articles, pictures, etc.), either by e-mail, interoffice mail, internet or otherwise. This list is not exhaustive. Diamonds reserves the right to determine whether particular conduct violates its Title IX policy or is otherwise inappropriate under other policies. All people subject to this policy—including employees, students, and third-parties—are expected to treat the others with whom they interact in connection with their employment, education, or presence at Diamonds with respect at all times.

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- The number of individuals involved. The totality of the circumstances will be considered in determining whether a hostile environment exists.

Title IX Policy Reports & Complaints

Any student, employee or other person who believes that he or she has been subjected to any form of sex discrimination, sexual harassment, or sexual assault in violation of this policy should make a complaint. Diamonds takes all such complaints seriously.

Diamonds strongly encourages any person who wishes to make a complaint under this policy to bring that complaint directly to Diamonds' Title IX Coordinator. However, a student may also bring such a complaint to a student advisor, area manager, campus manager, or educator with whom he or she is comfortable. Likewise, an employee may bring such a complaint to their immediate supervisor, another manager, or a human resources generalist. In each case, the complainant should understand that the complaint will be forwarded to the Title IX Coordinator.

Diamonds also encourages each complainant to put his or her complaint in writing, providing a detailed description of the alleged events that are the basis for the complaint and a list of witnesses to the events.

At times, Diamonds employees may have knowledge of conduct (by witnessing it or, alternatively, by hearing a second-hand report about the conduct) that may constitute a violation of this Title IX policy. □ When the witnessed or reported conduct is perpetrated against a student, any (1) supervisory employee, (2) student advisor, or (3) educator who possesses that knowledge is expected to immediately report the matter to their supervisor and the Title IX Coordinator, even if the individual making a report requests that no action be taken.

- When the witnessed or reported conduct is perpetrated against an employee, any supervisory employee who possesses that knowledge is expected to immediately report the matter to their supervisor and the Title IX Coordinator, even if the individual making a report requests that no action be taken.

Employees who fail to meet this reporting expectation will be subject to disciplinary action, up to and including termination.

Confidentiality & Title IX Complaints

Diamonds seeks to handle each complaint and investigation with professionalism and discretion. A fair and effective investigation often requires that the details of the complaint and/or the identity of the complainant be shared with those individuals involved in and/or interviewed in the investigation. Such individuals will, however, be expected to maintain the confidentiality of the matter to the extent possible.

Before beginning an investigation, Diamonds will seek consent of the complainant to (i) proceed with the investigation and (ii) identify him or her in connection with the complaint. If the complainant requests that no investigation occur or that his or her name not be disclosed, Diamonds will:

- Weigh the request(s) against its broader responsibility to provide an environment free from sex discrimination, sexual harassment, and sexual assault for all, considering the totality of the circumstances (the seriousness of the alleged harassment, whether there have been other harassment complaints about the same individual, etc.
- Inform the complainant whether it can comply with the request(s), as applicable o If the request(s) are not granted, conduct the investigation o If the request(s) are granted, consider whether there are other steps that may be taken in lieu of investigation and/or identification of the complainant

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Title IX Investigations

Diamonds will undertake a prompt and thorough investigation, where appropriate. Except in extraordinary circumstances, Diamonds seeks to conclude each such investigation within 30 calendar days. The investigation process generally occurs in three stages:

- Stage 1: Intake of the complaint by the Title IX Coordinator, including determination of whether an investigation may proceed and the identification of the issues to be determined based on the allegations of the complaint
- Stage 2: Investigation of the allegations by the complaint manager, including investigatory interviews and review of any additional evidence
- Stage 3: Notice of outcome determination including, when applicable, disciplinary action(s) and remedial measure(s)

Diamonds seeks to conclude stage 1 within 10 days, then stage 2 within 15 days; and next stage 3 within 5 days. At times, an extension of these timeframes may be necessary and/or appropriate, due to time taken by a complainant to decide whether to provide consent, unavailability of witnesses, complexity or number of allegations under review, or other factors. Diamonds retains discretion to determine when an extension of the general timelines is warranted based on the totality of the circumstances. Extensions of the timelines, when they occur, will be communicated to the complainant(s). In this process, the complainant(s) and subject(s) of the complaint may name witnesses and provide other evidence to the complaint manager, as described below. The steps necessary to thoroughly investigate the complaint will vary, but will often include interviews of the complainant(s), the subject(s) of the complaint, and the identified witnesses, as well as a review of relevant documentation and relevant policies. Where the investigation results in a finding of a violation of this policy, Diamonds will take immediate steps to end the conduct, prevent its recurrence, and address its effects. Further information concerning the notification of outcomes is provided below.

Outcomes

At the conclusion of the investigation, the complaint manager will make a finding of whether a violation of this Title IX policy has occurred. In making this decision, the complaint manager will apply the preponderance of the evidence standard to the factual allegations, by determining whether the alleged conduct is more likely than not to have occurred. As to the finding of facts reached under this standard, the complaint manager will also decide whether those facts constitute a violation of this Title IX policy. The complaint manager will give the complainant(s), subject(s) of the complaint, and Title IX Coordinator written notification of the outcome (specifically, whether or not a violation of the Title IX policy was found to have occurred). In the event a violation was found to have occurred, Diamonds will impose disciplinary action under its disciplinary policies, and, if appropriate, implement other remedial measures. Such other remedial measures for the complainant, where appropriate, will be tailored to the particular circumstances presented and may include, by example, providing opportunities to retake portions of the curriculum and/or quizzes, or examinations; granting the complainant's request to change schedule, and/or allowing leaves in excess of policy limitations where permitted by law. When implementing corrective actions or other remedial measures, Diamonds will seek to minimize the burden upon the complainant.

The complainant will generally not be provided information of specific disciplinary action taken against other persons, unless the disciplinary action will directly impact the complainant, such as whether and/or when the subject(s) of the complaint may be present in the school environment.

Student Appeals

In the event that a student party to a complaint disagrees with the outcome of an investigation under this Title IX policy, the student may seek a review of the outcome by submitting a written appeal statement to Ms. Stengel, Owner/Director.

An appeal under this policy must be made within 14 calendar days of receipt of the written notice of the outcome of the investigation. An appeal may be made on one or more of the following grounds only: (1) an error occurred that, if corrected, may change the outcome of the investigation; or (2) new information has arisen, that was not available or known to the student at the time of the investigation, which if considered may change the outcome of the investigation. Information that was known or available to the student during the investigation will not be considered.

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Ms. Stengel will conduct an impartial review of the appeal and will provide the appealing student with a written determination. The Committee seeks to issue its determination on each appeal within 30 calendar days of its receipt of the appeal; however, this timeframe may be longer in certain cases.

Employee parties to a complaint under the Title IX policy do not have a right of appeal.

Anti-Retaliation Policy

Diamonds will not retaliate against any person for filing a good-faith complaint or for participating or assisting in good faith in an investigation of alleged sex discrimination, sexual harassment, or sexual assault under this policy. An employee or student who retaliates will be subject to disciplinary action, up to and including termination from Diamonds.

Any student or employee who feels that he or she has been subject to retaliation in violation of this policy should report the matter immediately to the Title IX Coordinator.

Role of the Title IX Coordinator

The investigation of complaints under this policy will be overseen by the Title IX Coordinator. The Title IX Coordinator will not conduct investigations, assess credibility of witnesses, or make findings as to whether a violation of this policy has occurred. Rather, his or her role will be to ensure that Diamonds' Title IX policies and procedures are followed, in part by (i) seeking the complainant's consent to conduct an investigation and disclose his or her name in connection with the complaint; (ii) guiding the complaint managers in order to facilitate and support their compliance with this policy; and (iii) ensuring that the outcome of each such complaint is appropriately communicated.

More specifically, the Title IX Coordinator will:

- Upon receiving a complaint of sex discrimination, sexual harassment or sexual assault, seek the consent of the complainant to conduct the investigation and disclose his or her identity in connection with the complaint.
- In the event that a complainant requests that an investigation not be conducted, or that his or her identity not be revealed, communicate the determination on this request to the complainant and direct additional actions as appropriate.
- Recommend any interim protections or other measures to be taken during the course of the investigation, before any findings are determined. Interim measures will be taken within the context of Diamonds policies and might include placing a student or students on an absence for investigation, placing an employee on administrative leave, limiting contact between the parties, or other measures.
- When an investigation may proceed, designate the appropriate complaint manager(s) to carry out a prompt and impartial investigation.
- Review the procedural requirements for the investigation with the complaint manager, including without limitation that: (1) the complainant(s) and subject(s) of the complaint are provided equal opportunity to provide evidence and to identify witnesses; and (2) that Diamonds maintain the complaint and investigation confidential to the extent possible.
- Review the investigation documentation to determine whether the investigation, before it is closed, has been sufficient. Where additional steps are merited, the Title IX Coordinator will define those additional steps to be taken by the complaint manager prior to concluding the investigation.

Additionally, the Title IX Coordinator will document all reports and complaints of sex discrimination, sexual harassment, and sexual assault and establish a protocol for keeping records related to such incidents.