



## **Title IX**

### **Notice of Rights for Reporting Sex Discrimination and Sexual Misconduct**

California Hair Design Academy (hereafter referred to as the “Institution”) expressly prohibits any form of sexual discrimination or sexual misconduct. The Institution is committed to preventing sexual misconduct, encouraging reports of such misconduct, improving responses to reports of such misconduct, and complying with applicable federal laws. Additional information regarding Campus Security and definitions of prohibited conduct can be located in the Institution’s Campus Safety & Security Handbook located on our website at <https://chdaschools.com/consumer-information/campus-safety-security> and the student’s Pivot Point LAB portal home page. Paper copies of the Campus Safety & Security Handbook can be requested from the Administration Office.

### **Nondiscrimination Policy & Notice of Nondiscrimination**

California Hair Design Academy does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX, including in admission and employment.

Inquiries about Title IX may be referred to California Hair Design Academy’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both. California Hair Design Academy’s Title IX Coordinator is:

**Brenda Garcia– Title IX Coordinator**

**Office Location: 8011 University Ave, Ste. A-2, La Mesa, CA 91942**

**Phone: (619) 461-8600 ext. 2002**

**Email: [brenda@chdaschools.com](mailto:brenda@chdaschools.com)**

California Hair Design Academy’s nondiscrimination policy and grievance procedures can be located at: <https://chdaschools.com/consumer-information/campus-safety-security>.

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to <https://chdaschools.com/consumer-information/campus-safety-security>.

### **Sex-Based Harassment Involving Student Complainants or Student Respondents**

California Hair Design Academy has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party.

### **Title IX Complaints**

The following people have a right to make a complaint of sex-based harassment, requesting that California Hair Design Academy investigate and make a determination about alleged sex-based harassment under Title IX:

- A “complainant,” which includes:
  - a student or employee of California Hair Design Academy who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
  - a person other than a student or employee of California Hair Design Academy who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in California Hair Design Academy’s education program or activity;
  - A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
  - California Hair Design Academy’s Title IX Coordinator

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee of California Hair Design Academy; or
- Any person other than a student or employee who was participating or attempting to participate in California Hair Design Academy’s education program or activity at the time of the alleged sex discrimination.

California Hair Design Academy may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances.

When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

### **Reporting and Confidentially Disclosing Sexual Violence: Know the Options**

California Hair Design Academy encourages victims of sexual violence to talk to someone about what happened – so victims can get the support they need, and so the Institution can respond appropriately.

- Different employees on campus have different abilities to maintain a victim’s confidentiality. Some are required to maintain near complete confidentiality; talking to them is sometimes called a “privileged communication.”
- Other employees may talk to a victim in confidence, and generally only report to the Institution that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger an institutional investigation into an incident against the victim’s wishes.
- Thirdly, some employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX coordinator (also referred to as the School Safety Officer). A report to these employees (called “responsible employees”) constitutes a report to the Institution – and generally obligates the Institution to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim

of sexual violence. The Institution encourages victims to talk to someone identified in one or more of these groups.

## **The Options**

### **A. Non-Professional Advocates**

Individuals who work on-campus including front desk staff and students, can generally talk to a victim without revealing any personally identifying information about an incident to the Institution. A victim can seek assistance and support from these individuals without triggering an Institutional investigation that could reveal the victim's identity or that the victim has disclosed the incident.

While maintaining a victim's confidentiality, these individuals or their office should report the nature, date, time, and general location of an incident to the Title IX Coordinator (School Safety Officer). This limited report – which includes no information that would directly or indirectly identify the victim – helps keep the Title IX Coordinator (School Safety Officer) informed of the general extent and nature of sexual violence on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator.

Following is contact information for these non-professional advocates:

- **Karla Garcia, Daytime Receptionist (619) 461-8600 ext. 201 or 202**
- **Lazaro Arenas, Nighttime Receptionist (619) 461-8600 ext. 201 or 202**

A victim who speaks to a non-professional advocate must understand that, if the victim wants to maintain confidentiality, the Institution will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator.

Even so, these advocates will refer the victim to the list of outside resources provided by the Institution that provide support; such as victim advocacy, disability, health or mental health services, and changes to living or working schedules.

A victim who at first requests confidentiality may later decide to file a complaint with the Institution or report the incident to local law enforcement, and thus have the incident fully investigated. These advocates will provide the victim with assistance if the victim wishes to do so.

**PLEASE NOTE:** If the Institution determines that the alleged perpetrator(s) pose a serious and immediate threat to the Institutional community, **Brenda Garcia (the designated School Safety Officer)**, may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.

### **B. Reporting to "Responsible Employees."**

A "responsible employee" is an employee of the Institution who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the Institution to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX coordinator (School Safety Officer) all relevant details about the alleged sexual violence shared by the victim that the Institution will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the Institution's response to the report. A responsible employee should not share information with law enforcement without the victim's consent or unless the victim has also reported the incident to law enforcement.

The following employees (or categories of employees) are the Institution's responsible employees:

**Administrative Office Staff:**

- **Len Steinbarth, President**
  - (619) 461-8600 ext. 2004 or len@chdaschools.com
- **Brenda Garcia, Title IX Coordinator (School Safety Officer) and School Director**
  - (619) 461-8600 ext. 2002 or brenda@chdaschools.com
- **Hilda Samano, Enrollment/Admissions Officer**
  - (619) 461-8600 ext. 2001 or hilda@chdaschools.com
- **Stacie McLaughlin, Compliance Director**
  - (619) 461-8600 ext. 2003 or stacie@chdaschools.com

**Instructors**

- **All Instructors employed by the Institution**
  - The student can dial (619) 461-8600, enter the front desk extension (1001) and ask for the specific instructor by name that they would like to speak with. If the student would prefer to leave a voicemail for an instructor to call them back, dial the extension for the Instructor's general voicemail.

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee's reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the Institution will consider the request, but cannot guarantee that the Institution will be able to honor it. In reporting the details of the incident to the Title IX Coordinator (School Safety Officer), the responsible employee will also inform the Coordinator of the victim's request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the Institution to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

**Requesting Confidentiality From the Institution: How the Institution Will Weigh the Request and Respond**

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the Institution must weigh that request against the Institution's obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If the Institution honors the request for confidentiality, a victim must understand that the Institution's ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.

Although rare, there are times when the Institution may not be able to honor a victim's request in order to provide a safe, non-discriminatory environment for all students.

The Institution has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence:

- **Len Steinbarth, President**
- **Brenda Garcia, Title IX Coordinator (School Safety Officer)**

When weighing a victim's request for confidentiality or that no investigation or discipline be pursued, **Len Steinbarth and Brenda Garcia** will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
  - whether there have been other sexual violence complaints about the same alleged perpetrator;
  - whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
  - whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
  - whether the sexual violence was committed by multiple perpetrators;
- whether the sexual violence was perpetrated with a weapon;
- whether the victim is a minor;
- whether the Institution possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the victim's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the Institution to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the Institution will likely respect the victim's request for confidentiality.

If, for example, the Institution has credible information that the alleged perpetrator has committed one or more prior rapes, the balance of factors would compel the Institution to investigate the allegation and, if appropriate, pursue disciplinary action.

**If the Institution determines that it cannot maintain a victim's confidentiality**, the Institution will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the Institution's response.

The Institution will remain ever mindful of the victim's well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or the Institution's employees, will not be tolerated.

The Institution will also:

- Assist the victim by providing a list of outside resources that assist with victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus;
- Provide other security and support, which could include issuing a no-contact order, helping arrange a change of course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- Inform the victim of the right to report a crime to local law enforcement – and provide the victim with assistance if the victim wishes to do so.

The Institution may not require a victim to participate in any investigation or disciplinary proceeding.

Because the Institution is under a continuing obligation to address the issue of sexual violence campus-wide, reports of sexual violence (including non-identifying reports) will also prompt the Institution to

consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual violence occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.

**If the Institution determines that it can respect a victim’s request for confidentiality,** the Institution will also take immediate action as necessary to protect and assist the victim.

### **Anonymous Reporting**

Although the Institution encourages victims to talk to someone, the Institution provides an online system for anonymous reporting. The system will notify the user, before s/he enters information, that entering personally identifying information may serve as notice to the Institution for the purpose of triggering an investigation.

### **Off-campus Counselors and Advocates**

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the Institution unless the victim requests the disclosure and signs a consent or waiver form. Following is contact information for these off-campus resources:

#### **Alcohol and Drugs:**

<a href="#">Alcohol and Drug Services Access &amp; Crisis Line</a>	1-800-479-3339 www.sandiegocounty.gov/hhsa/programs/bhs/alcohol_drug_services	Crisis line. Information is also available on residential and non-residential treatment programs.
<a href="#">Al-Anon Alateen</a>	1-757-563-1600 / www.Al-anon.alateen.org	Designed to help families and friends of alcoholics
<a href="#">Facts on Tap</a>	www.campushealthandsafety.org	A comprehensive alcohol and drug education program for students.
<a href="#">Narcotics Anonymous</a>	1-800-479-0062 www.sandiegona.org	Information and counseling including meetings, sponsors, and recovery.
<a href="#">1-800-NO-BUTTS</a>	1-800-NO-BUTTS www.nobutts.org	An organization that provides support and treatment for those wishing to stop smoking.

#### **Women’s Health:**

<a href="#">Planned Parenthood</a>	619-881-4589 www.plannedparenthood.org/planned-parenthood-pacific-southwest	Pregnancy tests, birth control, emergency contraceptives and other women’s health resources
------------------------------------	--	---

#### **Childcare:**

<a href="#">YMCA Childcare Resource Service</a>	858-292-9622 www.ymca.org/crs	Can help you find child care near your work or home.
---	----------------------------------	--

#### **Eating Disorders:**

<a href="#">Caringonline.com</a>	1-888-884-4913 www.caringonline.com	Resources for negative body image or Anorexia, Bulimia, or Compulsive Overeating.
----------------------------------	--	---

#### **Depression and General Mental Health:**

<a href="#">Suicide Prevention Center</a>	1-888-724-7240 up2sd.org/resources/suicide-prevention-and-support/	24-Hour Crisis Line Links to prevention and mental health resources
---	---	--

<a href="#">Depression and Bipolar Support Alliance</a>	1-800-826-3632 www.dbsalliance.org	Support, information and resources for depression and bipolar disorders.
<a href="#">ULifeline</a>	1-800-273-TALK (8255) www.ulifeline.org	A mental health library, drug database, screening tests, how to support a friend and more.

**Domestic Violence:**

<a href="#">California Partnership to End Domestic Violence</a>	1-800-799-SAFE (7233) www.cpedv.org	24-Hour Hotline for Victims Domestic violence resources
<a href="#">San Diego Domestic Violence Council</a>	1-800-799-SAFE (7233) www.sddvc.org	24-Hour Hotline for Victims of Domestic Violence
<a href="#">The National Domestic Violence Hotline</a>	1-800-799-SAFE (7233) www.thehotline.org/resources	National Domestic Violence Hotline, Resources for victims

**Additional Resources**

National Domestic Violence Hotline: 1(800)-799-7233

National Resources Rape, Abuse & Incest National Network: 1(800) 656-4673

National Child Abuse Hotline: 1(800)-422-4453 or- 1 (800) 344-6000

Access & Crisis Line: (888) 724-7240

Aging and Independent Services & Adult Protective Service: 1 (800) 510-2020

Center Community Solutions – Sexual Assault Crisis Line: 1 (888) 385-4657

Lesbian, Gay, Bisexual, Transgender, Questioning (LGBTQ): 1 (858) 212-5433

Megan’s Law: <http://meganslaw.ca.gov/>

**Military Resources**

For referral for family services centers serving Camp Pendleton, MCAS, Miramar, MCRD, Naval Base, San Diego, NAS North Island and Sub Base Fleet; Call Military one Source at (800) -342-9647 (24 hour hotline not confidential) You may call the Family Justice Center Military Liaison 619-533-3592 (confidential.)

**NOTE:** While these off-campus counselors and advocates may maintain a victim’s confidentiality vis-à-vis the Institution, they may have reporting or other obligations under state law.

## **Title IX Grievance and Investigation Procedures and Protocols**

The institution's Title IX Coordinator is:

**Brenda Garcia**  
**Title IX Coordinator**  
[brenda@chdaschools.com](mailto:brenda@chdaschools.com)  
**619-461-8600 ext. 2002**

California Hair Design Academy will treat complainants and respondents equitably.

California Hair Design Academy requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

California Hair Design Academy presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

The Title IX Coordinator will oversee all investigations regarding sex discrimination, sexual misconduct, domestic violence, and bullying reported at the institution. The investigation may include coordination with the institution president, Len Steinbarth, or any other employee having knowledge of the alleged incidence.

The Title IX coordinator and any other employees participating in the investigation will consider written complaints, oral interviews, hearing testimony and statement and interviews from witnesses that have first-hand knowledge.

The time necessary to conduct an investigation will vary based on complexity but will generally be completed within 60-90 days of receipt of the complaint. California Hair Design Academy has established the following timeframes for the major stages of the grievance procedures:

<b>Stage of Grievance Procedures</b>	<b>Timeframe</b>
Report & Complaint is Made	1 week
Evaluation of Complaint & Decision to Dismiss or Investigate	1-3 weeks
Meeting with Complainant & Supportive Measures	1 week
Respondent is Notified	1 week
Interviews & Evidence	2-4 weeks
Statements & Responses	2-4 weeks
Investigation Report	1 week
Determination	1 week
Appeal (If Any)	2 weeks

California Hair Design Academy has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice of any extension to the parties that includes the reason for the delay:



1. Identification of Need for Extension: The Title IX Coordinator identifies the need for an extension. This could be due to various factors such as the complexity of the case, availability of witnesses, or other unforeseen circumstances.
2. Documentation of Reasons: If there is good cause and after consulting with relevant parties and considering the impact on the involved individuals the decision to grant an extension is made. The reasons for the delay are documented in detail. This ensures transparency and accountability in the process.
3. Preparation of Written Notice: A written notice is prepared, clearly outlining the extension granted and the reasons behind it. The notice includes the specific new timeframe, detailed reasons for the extension, and any impact this extension might have on the overall process.
4. Distribution of Notice: The written notice is distributed to all parties involved in the case. This includes the complainant, respondent, and any other relevant individuals. The notice is sent via official communication channels used by California Hair Design Academy to ensure timely and secure delivery.

Any evidence collected, whether written, oral, or statements by parties with first-hand knowledge, will be maintained by the Title IX Coordinator. The evidence will be held by the coordinator in confidence and only released to the complaining party and the accused upon written authority to release the information. The standard of evidence will be the “preponderance of the evidence.”

California Hair Design Academy will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

California Hair Design Academy will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person’s status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by California Hair Design Academy to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless California Hair Design Academy obtains that party’s or witness’s voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

The complainant and the accused shall be afforded equitable rights during the investigation.

Information obtained by the institution during an investigation of sexual misconduct shall not be released to law enforcement without written permission by both the complainant and the accused; with the exception being if the institution is required by law to report the investigation and provide evidence related to such. In that instance the institution shall provide the evidence to law enforcement without the parties consent.

The institution shall immediately take steps to protect the complainant as follows:

1. Offer reasonable accommodations.
2. Issue no contact orders.
3. Change academic schedule.
4. Withdraw or retake class without penalty.
5. Change accused's school schedule.
6. Place accused on a leave of absence until matter is resolved.
7. Offer academic support.

In the event the complainant request confidentiality, the institution should explain that the institutions ability to investigate may be hindered. However, should confidentiality be requested by the complainant, the institution may implement the following:

1. Provide additional training to students and employees about sexual misconduct.
2. Increased monitoring of complainant and accused if both attending school.
3. Offer additional security measures to the complainant.
4. Re-publicize school policies on sexual misconduct.

### **Notice of Allegations**

Upon initiation of California Hair Design Academy's Title IX grievance procedures, California Hair Design Academy will notify the parties of the following:

- California Hair Design Academy's Title IX grievance procedures and any informal resolution process
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence;
- California Hair Design Academy prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, California Hair Design Academy decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the

notice provided or that are included in a complaint that is consolidated, California Hair Design Academy will notify the parties of the additional allegations.

### **Dismissal of a Complaint**

California Hair Design Academy may dismiss a complaint if:

- California Hair Design Academy is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in California Hair Design Academy's education program or activity and is not employed by California Hair Design Academy;
- California Hair Design Academy obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and California Hair Design Academy determines that, without the complainant's withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- California Hair Design Academy determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, California Hair Design Academy will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, California Hair Design Academy will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then California Hair Design Academy will notify the parties simultaneously in writing.

California Hair Design Academy will notify the complainant that a dismissal may be appealed on the bases outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then California Hair Design Academy will also notify the respondent that the dismissal may be appealed on the same basis. If a dismissal is appealed, California Hair Design Academy will follow the procedures outlined in the Appeals section.

When a complaint is dismissed, California Hair Design Academy will, at a minimum:

- Offer supportive measures to the complainant as appropriate;
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within California Hair Design Academy's education program or activity.

### **Investigation**

California Hair Design Academy will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on California Hair Design Academy -not on the parties- to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

California Hair Design Academy will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

California Hair Design Academy will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- California Hair Design Academy will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- California Hair Design Academy may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

California Hair Design Academy will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

California Hair Design Academy will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

California Hair Design Academy will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

California Hair Design Academy will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- California Hair Design Academy will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence.
- California Hair Design Academy will provide a reasonable opportunity to review and respond to the evidence or the investigative report and;
- California Hair Design Academy will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

### **Questioning the Parties and Witnesses**

California Hair Design Academy will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

California Hair Design Academy's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness;
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.

## **Determination Whether Sex Discrimination Occurred**

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, California Hair Design Academy will:

- Use the standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
  - o A description of the alleged sex-based harassment;
  - o Information about the policies and procedures that California Hair Design Academy used to evaluate the allegations;
  - o The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
  - o When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions California Hair Design Academy will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by California Hair Design Academy to the complainant, and, to the extent appropriate, other students identified by California Hair Design Academy to be experiencing the effects of the sex-based harassment; and
  - o California Hair Design Academy procedures and permissible bases for the complainant and respondent to appeal.
- California Hair Design Academy will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:
  - o Coordinate the provision and implementation of remedies to a complainant and other students California Hair Design Academy identifies as having had equal access to California Hair Design Academy's education program or activity limited or denied by sex discrimination;
  - o Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
  - o Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within California Hair Design Academy's education program or activity.
- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that California Hair Design Academy provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

## **Appeals**

California Hair Design Academy will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If a party appeals a dismissal or determination whether sex-based harassment occurred, California Hair Design Academy will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that California Hair Design Academy will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

Any additional procedures or basis for appeal California Hair Design Academy offers will be equally available to all parties.

### **Supportive Measures**

California Hair Design Academy will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to California Hair Design Academy's education program or activity or provide support during California Hair Design Academy's Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include:

- Restrictions on contact between complainant and/or respondent
- Change academic situations/schedules as appropriate with minimum burden on the complainant
- Offer academic support
- Retake a program or withdraw without penalty
- Place accused on a leave of absence until matter is resolved
- Referrals to Legal & Financial Consultations
- Access to information & resources for mental health, relationships, stress, etc.

### **Disciplinary Sanctions and Remedies**

Following a determination that sex-based harassment occurred, California Hair Design Academy may impose disciplinary sanctions, which may include termination/expulsion from the program.

California Hair Design Academy may also provide remedies, which may include, suspension, and a change in the class schedule in which the student is enrolled.

### **Prevention and Education**

The institution takes very seriously any complaint regarding sex discrimination and sexual misconduct. All students, at the time of enrollment, will be advised of the institutions policy regarding sex discrimination and sexual misconduct. Additionally, the institution's policy will be reviewed with students at the initial student orientation. Students and other bystanders or witnesses will be encouraged to report all inappropriate sexual conduct, domestic violence, and/or bullying to the institutions staff immediately.

### **Training**

The Title IX Coordinator (School Safety Officer) shall attend and be certified that they have been trained regarding the requirements of Title IX regarding sex discrimination and sexual misconduct.