

Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents at Postsecondary Institutions

Cadillac Institute of Cosmetology has adopted Title IX 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.

Complaints:

The following people have a right to make a complaint of sex-based harassment, requesting that Cadillac Institute of Cosmetology investigate and make a determination about alleged sex-based harassment under Title IX:

- A “complainant”, which includes:
 1. a student or employee of Cadillac Institute of Cosmetology who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
 2. a person other than a student or employee of Cadillac Institute of Cosmetology 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 Cadillac Institute of Cosmetology’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
- Cadillac Institute of Cosmetology’s Title IX Coordinator.

Cadillac Institute of Cosmetology 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 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.

Cadillac Institute of Cosmetology will treat complainants and respondents equitably. Cadillac Institute of Cosmetology 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. As long as there is no conflict of interest or bias, a decisionmaker may be the same person as the Title IX Coordinator or investigator.

Cadillac Institute of Cosmetology presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Cadillac Institute of Cosmetology has established the following timeframes for the major stages of the grievance procedures:

- Once a complaint is received using the Grievance Form found at instituteofcos.net under the Consumer Information tab, Cadillac Institute of Cosmetology will evaluate whether to dismiss or investigate a complaint within 15 days.
- If the complaint is to be investigated, Cadillac Institute of Cosmetology will have 30 days to investigate.
- Cadillac Institute of Cosmetology will make a determination within 15 days after the investigation is complete.
- Any appeal must be submitted to Cadillac Institute of Cosmetology in writing, within 7 days of the determination.

Cadillac Institute of Cosmetology has also established the following process that allows for the reasonable extension of time frames 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:

- Submit in writing, to Cadillac Institute of Cosmetology what part of the grievance procedure is being requested for an extension. Include the reason the extension is being requested and if applicable, include documentation.
- The request must be signed and dated by the person requesting the extension.
- The request for an extension must be submitted within 5 days of the expiration of the timeframes as noted above.

Cadillac Institute of Cosmetology will take reasonable steps to protect the privacy of the parties and witnesses during the 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.

Cadillac Institute of Cosmetology will objectively evaluate all evidence that is relevant and not otherwise impermissible, including both inculpatory evidence 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 accused or considered, except by Cadillac Institute of Cosmetology 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 Cadillac Institute of Cosmetology 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.

Written Notice of Allegations:

Upon initiation of these Title IX grievance procedures, Cadillac Institute of Cosmetology will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- Cadillac Institute of Cosmetology 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-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- 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 investigative report that accurately summarizes this evidence. Cadillac Institute of Cosmetology will provide access to an investigative report: The parties are entitled to an equal opportunity to access the relevant and not impermissible evidence upon the request of any party; and
- Cadillac Institute of Cosmetology's Code of Conduct can be found on page 33 of its catalog. It prohibits knowingly making false statements or knowingly submitting false information during grievance procedures.

If, in the course of an investigation, Cadillac Institute of Cosmetology decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

Dismissal of a Complaint:

Cadillac Institute of Cosmetology may dismiss a complaint if:

- Cadillac Institute of Cosmetology is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Cadillac Institute of Cosmetology 's education program or activity and is not employed by Cadillac Institute of Cosmetology;
- Cadillac Institute of Cosmetology 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 Cadillac Institute of Cosmetology 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
- Cadillac Institute of Cosmetology determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, Cadillac Institute of Cosmetology will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, Cadillac Institute of Cosmetology 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 Cadillac Institute of Cosmetology will notify the parties simultaneously in writing.

Cadillac Institute of Cosmetology will notify the complainant that a dismissal may be appealed on the bases outlined in the *Appeals* section. If a dismissal occurs after the

respondent has been notified of the allegations, then Cadillac Institute of Cosmetology will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, Cadillac Institute of Cosmetology will follow the procedures outlined in the *Appeals* section.

When a complaint is dismissed, Cadillac Institute of Cosmetology 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 Cadillac Institute of Cosmetology's education program or activity

Investigation:

Cadillac Institute of Cosmetology will provide for adequate, reliable and impartial investigation of complaints.

The burden is on Cadillac Institute of Cosmetology, not the parties, to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Cadillac Institute of Cosmetology 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.

Cadillac Institute of Cosmetology 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.

- Cadillac Institute of Cosmetology will not limit the choice or presence of the advisor for the complainant or respondent in any meetings or proceedings.
- Cadillac Institute of Cosmetology 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.

Cadillac Institute of Cosmetology 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.

Cadillac Institute of Cosmetology 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.

Cadillac Institute of Cosmetology will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Cadillac Institute of Cosmetology 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:

- Cadillac Institute of Cosmetology 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. Cadillac Institute of Cosmetology will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.
- Cadillac Institute of Cosmetology will provide a reasonable opportunity to review and respond to the evidence or the investigative report.
- Cadillac Institute of Cosmetology 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:

Cadillac Institute of Cosmetology 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. Cadillac Institute of Cosmetology process for proposing and asking relevant and not otherwise impermissible questions and follow up questions of parties and witnessed, 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.

Procedures for the decisionmaker to evaluate the questions and limitations on questions:

The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

Refusal to respond to questions and inferences based on refusal to respond to questions:

The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

Determination Whether Sex-Based Harassment Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Cadillac Institute of Cosmetology will:

- Use the preponderance of the evidence or, if applicable, clear and convincing standard of proof to determine whether sex discrimination occurred. The standard 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 sex discrimination occurred.
- Notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including:
 1. A description of the alleged sex harassment;
 2. Information about the policies and procedures that Cadillac Institute of Cosmetology used to evaluate the allegations;
 3. The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
 4. When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions Cadillac Institute of Cosmetology will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by Cadillac Institute of Cosmetology to the complainant, and, to the extent appropriate, other students identified by

Cadillac Institute of Cosmetology to be experiencing the effects of the sex-based harassment; and

5. Cadillac Institute of Cosmetology's procedures and permissible bases for the complainant and respondent to appeal.
- Cadillac Institute of Cosmetology 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:
 1. Coordinate the provision and implementation of remedies to a complainant and other people Cadillac Institute of Cosmetology identifies as having had equal access to Cadillac Institute of Cosmetology's Education program or activity limited or denied by sex discrimination;
 2. Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 3. Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Cadillac Institute of Cosmetology'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 determination whether sex discrimination occurred.

The determination regarding responsibility becomes final either on the date that Cadillac Institute of Cosmetology 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:

Cadillac Institute of Cosmetology 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, Cadillac Institute of Cosmetology 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 Cadillac Institute of Cosmetology 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 bases for appeal Cadillac Institute of Cosmetology offers will be equally available to all parties.

Supportive Measures:

Cadillac Institute of Cosmetology will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to Cadillac Institute of Cosmetology's education program or activity or provide support during Cadillac Institute of Cosmetology's Title IX grievance procedures. For complaints of sex-based harassment, supportive measures may vary depending on what the recipient deems to be available and reasonable.

These measures may include but are not limited to:

- Counseling
- Extensions of deadlines and other course related adjustments
- Campus escort services, increased security and monitoring of certain areas of the campus
- Restrictions on contact between parties
- Leave of absence
- Voluntary or involuntary changes in class, work or extracurricular or any other activity, regardless of whether there is or is not a comparable alternative; and training and education programs related to sex-based harassment.

Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, Cadillac Institute of Cosmetology may impose disciplinary sanctions and/or remedies, which may include:

- A mutual no contact order
- Probation

- Suspension
- Expulsion

Appendix: Definitions

Complainant means:

1. A student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations; or
2. A person other than a student or employee who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX or its regulations and who was participating or attempting to participate in the recipient's education program or activity at the time of the alleged sex discrimination.

Complaint means: An oral or written request to the recipient that objectively can be understood as a request for the recipient to investigate and make a determination about alleged discrimination under Title IX regulations.

Disciplinary sanctions means: Consequences imposed on a respondent following a determination under Title IX that the respondent violated the recipient's prohibition on sex discrimination

Party means: A complainant or respondent.

Relevant means: Related to the allegations of sex discrimination under investigation as part of these grievance procedures. Questions are relevant when they seek evidence that may aid in showing whether the alleged sex discrimination occurred, and evidence is relevant when it may aid a decisionmaker in determining whether the alleged sex discrimination occurred.

Remedies means: Measures provided, as appropriate, to a complainant or any other person the recipient identifies as having had their equal access to the recipient's education program or activity limited or denied by sex discrimination. These measures are provided to restore or preserve that person's access to the recipient's education program or activity after a recipient determines that sex discrimination occurred.

Respondent means: A person who is alleged to have violated the recipient's prohibition on sex discrimination.

Retaliation means: Intimidation, threat, coercion, or discrimination against any person by the recipient, a student, or an employee or other person authorized by the recipient to provide aid, benefit, or service under the recipient's education program or activity, for the purpose of interfering with any right or privilege secured by Title IX or its regulations, or because the person has reported information, made a complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under the Title IX regulations.

Sex-based harassment means: A form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including on the basis of sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity, that is:

1. *Quid pro quo harassment:* An employee, agent, or other person authorized by the recipient to provide an aid, benefit, or service under the recipient's education program or activity explicitly or impliedly conditioning the provision of such an aid, benefit, or service on a person's participation in unwelcome sexual conduct;
2. *Hostile environment harassment:* Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from the recipient's education program or activity (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact specific inquiry that includes consideration of the following:
 - (i) The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
 - (ii) The type, frequency, and duration of the conduct;
 - (iii) The parties' ages, roles within the recipient's education program or activity, previous interactions, and other factors about each party that may be relevant to evaluating the effects of the conduct;
 - (iv) The location of the conduct and the context in which the conduct occurred;and
 - (v) Other sex-based harassment in the recipient's education program or activity;or
3. *Specific offenses:*
 - (i) Sexual assault meaning an offense classified as a forcible or non forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - (ii) Dating violence meaning violence committed by a person::
 - (A) Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - (B) Where the existence of such a relationship shall be determined based on a consideration of the following factors:

- (1) The length of the relationship'
 - (2) The type of relationship; and
 - (3) The frequency of interaction between the persons involved in the relationship;
- (iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:
- (A) Is a current or former spouse or intimate partner of the victim under the family or domestic violence laws of the jurisdiction of the recipient, or person similarly situated to a spouse of the victim;
 - (B) Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
 - (C) Shares a child in common with the victim; or
 - (D) Commits acts against a youth or adult victim who is protected from those acts under the family or domestic violence laws of the jurisdiction; or
- (iv) Stalking meaning engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
- (A) Fear for the person's safety or the safety of others; or
 - (B) Suffer substantial emotional distress.

Supportive measures means: Individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a complainant or respondent, not for punitive or disciplinary reasons, and without fee or charge to the complainant or respondent to:

- (1) Restore or preserve that party's access to the recipient's education program or activity, including measures that are designed to protect the safety of the parties or the recipient's educational environment; or
- (2) Provide support during the recipient's grievance procedures or during an informal resolution process.

