

Grievance Procedure for Complaints of Sex Discrimination

Cadillac Institute of Cosmetology 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, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Complaints:

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, request that Cadillac Institute of Cosmetology investigate and make a determination about alleged discrimination 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 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 Title IX Coordinator.

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

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 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.

Title IX Grievance Procedure:

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 complaints or respondents generally or an individual complainant or respondent. 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, 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.

All involved parties will be notified by Cadillac Institute of Cosmetology, in writing, for each of the stages listed above.

Cadillac Institute of Cosmetology has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay. To request an extension for any of the timeframes outlined above a person must:

- 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 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.

Cadillac Institute of Cosmetology 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 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.

Notice of Allegations:

Upon initiations of Cadillac Institute of Cosmetology's Title IX grievance procedures, Cadillac Institute of Cosmetology will notify the parties of the following:

- Cadillac Institute of Cosmetology'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 parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. Cadillac Institute of Cosmetology will provide a description of evidence: The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, Cadillac Institute of Cosmetology 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, Cadillac Institute of Cosmetology will notify the parties of the additional allegations.

Dismissal of a Complaint:

Cadillac Institute of Cosmetology may dismiss a complaint of sex discrimination 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;
- The complainant voluntarily withdraws any or all of the allegations in the complaint, 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 allegations with the complainant.

Upon dismissal, Cadillac Institute of Cosmetology will promptly notify the complainant 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 also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

Cadillac Institute of Cosmetology will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the 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. Dismissals may be appealed 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 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 the dismissal is appealed, Cadillac Institute of Cosmetology will:

- Notify the parties 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;
- Provide parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

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 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 with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination 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 an accurate description of this evidence. Cadillac Institute of Cosmetology will 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 respond to the evidence or the accurate description of the evidence; and
- Cadillac Institute of Cosmetology will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

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 discrimination. Parties and/or witnesses will be given written notice outlining the date and time of a meeting with the decisionmaker along with any documentation to present to the decisionmaker. At the discretion of the decisionmaker, the date and time may be changed if it is not feasible for a party and/or witness to attend.

Determination Whether Sex discrimination 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, a clear and convincing 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 in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title ix unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 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 grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeal of Determination:

Cadillac Institute of Cosmetology offers the following process for appeals from a determination whether sex discrimination occurred:

- Any appeal must be submitted to Cadillac Institute of Cosmetology in writing, within 7 days of the determination.

This appeal process will be, at a minimum, the same as Cadillac Institute of Cosmetology offers in all comparable proceedings, including proceedings relating to other discrimination complaints.

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