

Procedures for Filing a Title IX Grievance with the Title IX Coordinator

Title IX regulations prohibit discrimination on the basis of sex, which includes sexual harassment and sexual violence, in its programs and activities. Our school is committed to maintaining an educational and working environment that is free from discrimination and harassment, including maintaining an environment in which no student or staff member is excluded from participation in or denied the benefits of its programs and activities as a result of gender. Any employee, student or contract worker who violates this policy will be subject to disciplinary action. To the extent a customer, vendor or other person with whom the School does business engages in unlawful harassment or discrimination, the School will take appropriate corrective action.

Our school has jurisdiction over Title IX complaints. When a student or staff member feels that he/she has been subjected to discrimination on the basis of sex, then he/she may use these Title IX grievance procedures to bring concerns to the attention of the school's Title IX Coordinator for the purpose of obtaining a prompt and equitable resolution/action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

As part of the School's commitment to providing a harassment-free working and learning environment, this policy shall be disseminated to the School community through publications, the School website, new employee orientations, student orientations, and other appropriate channels of communication. The School provides training to key staff members to enable the School to handle any allegations of sexual harassment or sexual violence promptly and effectively.

1. The Title IX Coordinator

The School Directors, at all campuses, are responsible for coordinating the school's compliance with Title IX of the Education Amendments of 1972, and serves as the school's Title IX Coordinator.

The School ensures that its employee(s) designated to serve as Title IX Coordinator have received training on what constitutes sexual harassment, including sexual violence, and that they understand how the School's grievance procedures operate. Because complaints can also be filed with an employee's supervisor, these employees also receive training on the School's grievance procedures and any other procedures used for investigating reports of sexual harassment.

2. Other Roles

Investigator: The Title IX Coordinator will also act as the investigator. His/Her role as investigator is to conduct a fair, objective, and impartial investigation.

Decision Maker: The Director of Compliance will act as the decision maker. His role is to evaluate evidence, determine relevancy during the hearing, make and issue a determination based upon the evidence provided/obtained.

Advisors: Both parties may have an advisor during the hearing. The Advisor may question the opposing party and witnesses during the hearing. If the complainant does not have an Advisor, then one will be provided for him/her.

Appellate Authority: The Executive Director will act as the Appellate Authority in the event the complainant requests to appeal the determination made by the Decision Maker.

Informal Resolution Facilitator: An impartial Employee will fulfill the role of Informal Resolution Facilitator.

Reporters: The following individual MUST report a Title IX grievance: Human Resources Staff, School Director, Director of Financial Aid, Director of Compliance, Director of Operations, and Executive Director. Those who MAY report a Title IX Grievance include an Admissions Representative and Financial Aid Coordinator. The Educational Staff MUST report a Title IX grievance to the Title IX Coordinator so long as the complainant consents.

3. General Principles

For the purpose of these grievance procedures, "Title IX Coordinator" shall mean the School Directors, unless otherwise specified. Where appropriate and with prior notice where applicable, these grievance procedures may be modified or amended by the Title IX Coordinators.

Privacy and confidentiality:

All activities under these grievance procedures shall be conducted with due regard for any legitimate privacy and reputational interests of those involved. It is expected that any materials and information prepared or acquired under these grievance procedures will be shared only with those who have a legitimate need to know. Disclosure of such information may also be made if it is permitted by law and the Title IX Coordinator determines in his or her judgment: (1) that such disclosure is necessary to protect the health, safety, or well-being of members of the community; or (2) that such disclosure advances the interests of those involved in the process and/or the school and outweighs the interest in confidentiality. While the Title IX Coordinator will take into account any requests made by a complainant for confidentiality or that a Title IX grievance not be investigated, the Title IX Coordinator must take appropriate steps to respond to the grievance consistent with the requirements of Title IX. The School reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

Retaliation:

Retaliation against any person within the school, either for alleging discrimination prohibited by Title IX or for cooperating in these grievance procedures, is strictly prohibited. Sanctions may include suspension up to termination.

Preponderance of Evidence:

The Title IX Coordinator shall review allegations of discrimination prohibited by Title IX by applying a preponderance of the evidence standard. This means that the complainant has the burden of proving the facts and claims asserted in the complaint.

Right of Informal Resolution:

The complainant has the right to request an Informal Resolution. During the Informal Resolution process, an impartial Employee will listen to both parties and determine a solution that is equitable to both parties.

Right of Appeal and Review of Disciplinary Proceedings:

If a complainant wishes to appeal the decisions of the Title IX Coordinator regarding remedial measures, he/she may make a single written appeal to the Director of Compliance. The information taken during the original investigation will be given to an appeal panel consisting of all other Title IX Coordinators from other campuses. The determination will be made based upon the preponderance of evidence. The respondent will be informed of the appeal in writing. The appeal panel will provide a written decision within 45 days of the receipt of the written appeal.

4. Definitions

Sexual Harassment is defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education or interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile or offensive.

Sexual Violence is defined as physical sexual acts engaged in without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

Domestic Violence is defined as abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

Dating Violence is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Sexual Assault occurs when a physical sexual activity is engaged in without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, and taking advantage of the other person's incapacitation (including voluntary intoxication).

Stalking is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

Hostile Environment is defined as an offensive work environment, which means the alleged conduct is sufficiently serious to limit or deny a student or staff's ability to participate or benefit from the educational programs or activities.

Quid Pro Quo means asking for sexual favors of some kind in exchange for special treatment on the job, in the classroom, etc. It also could be the threat of ill-treatment if the victim will not consent to sexual favors. The "sexual conduct" may be verbal or physical, and the "asking" may be done either openly or implied. But, in any case, it must be unwelcome.

Retaliation is defined as any adverse action taken against a complainant for filing a complaint. This extends to not only the respondent, but to individuals who support the respondent.

Intimidation is defined as an intentional behavior that "would cause a person of ordinary sensibilities" fear of injury or harm.

Consent is informed, voluntary and revocable. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. It must be given without coercion, force, threats or intimidation. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

5. Procedures

Any student or staff member who believes that he/she has been subjected to discrimination prohibited by Title IX, or that the school has failed to meet its Title IX obligations, may bring the concern to the attention of the Title IX Coordinator (School Director) or Director of Compliance (for staff issues) as soon as possible. While the Title IX Coordinator welcomes an informal presentation of such allegations, and is available to address

concerns through discussion, advice, the Title IX Coordinator is fully prepared to receive and address such allegations through formal grievance procedures. Anyone wishing to file a formal complaint must do so by completing the “Title IX Formal Grievance Form” at the end of this policy.

The Title IX Coordinator has the authority to investigate allegations of discrimination prohibited by Title IX even absent the filing of a formal grievance. In addition, the Title IX Coordinator may proceed with investigating a formal or informal grievance even if a complainant specifically requests that the matter not be pursued. In such a circumstance, the Title IX Coordinator will take all reasonable steps to investigate and respond to the matter in a manner which is informed by the complainant’s articulated concerns.

In most circumstances, the Title IX Coordinator will coordinate his/her activities charged with responsibilities for the student and staff conduct/discipline and for enforcing the school’s policies and procedures generally. No employee, contract worker, student, vendor or other person who does business with the School is exempt from the prohibitions in this policy.

Supportive Measures

When a formal or informal Title IX grievance is made, steps will be taken by the School to preserve or restore equal access to educational benefits or activities. These measures are applied individually to either the complainant or the respondent. These measures will remain confidential and will remain non-disciplinary/non-punitive. Supportive measures will be applied for all formal Title IX Complaints and will be partially based upon the complainant’s wishes.

Dismissal

The School will dismiss any complaint that does not constitute sexual harassment; did not occur in the program or activity; or did not occur against a person in the United States.

The School may dismiss a complaint if the complainant withdraws the complaint, the Respondent is no longer enrolled or employed, or the circumstances prevent the institution from investigating.

Informal Grievance Resolution

In many instances, advice or informal discussion may be useful in resolving concerns about allegations of discrimination prohibited by Title IX. Complainants who wish to resolve their concerns informally should bring them to the attention of the Title IX Coordinator within the campus.

At that time, an impartial employee will service as the Informal Grievance Facilitator. This individual will serve as mediator to discuss the grievance with both parties and agree to any actions deemed necessary. Both parties will be provided written notice of the allegations and the grievance process. Both parties must sign a written consent of the informal grievance resolution.

Although the school welcomes informal resolution of grievances when appropriate, it will not use mediation between a complainant and respondent or any other informal resolution mechanism to resolve grievances pertaining to non-consensual sexual contact or non-consensual sexual penetration.

Grievance Procedures for Formal (i.e. Written) Grievances

Complainants who are considering bringing a formal grievance may at any time meet with the Title IX Coordinator, who will discuss the matter and describe the formal grievance process. A complainant must submit a written grievance to the Title IX Coordinator via use of the available Title IX grievance form.

- a. A formal grievance process is initiated when a complainant submits a Title IX Formal Grievance Form which alleges discrimination, prohibited by Title IX, to the Title IX Coordinator. In the statement, the complainant is encouraged to request any relief sought from the school as support measures. Prompt submission of formal grievances is encouraged.
- b. Both parties will be notified of the allegation and provided the grievance process. At this time, both parties may select an advisor in case the grievance goes to a hearing.
- c. The Title IX Coordinator will consider the written grievance and may dismiss the grievance without further process, or review, if the Title IX Coordinator determines that the grievance on its face is frivolous, not credible, clearly without merit, or outside the scope of these grievance procedures. See “Dismissal” in the previous section of these procedures.
- d. If the grievance is not dismissed, the Title IX Coordinator will take on the roll of Investigator. At that time, he/she will interview the individual who submitted the written complaint as well as the respondent. Depending on the circumstances, the Title IX Coordinator may interview others with relevant knowledge, review documentary materials, and take any other appropriate action to gather and consider information relevant to the grievance. This investigation allows the opportunity for both parties to present witnesses or other evidence. The Title IX Coordinator/Investigator will prepare a written report setting forth findings of the investigation. This report, including all evidence, will then be sent to the Decision Maker.
- e. The Decision Maker will again determine whether the complainant was excluded from participation in, denied the benefits of, or subjected to discrimination on the basis of sex under any school program or activity, using a preponderance of the evidence standard. If the grievance is not dismissed, then a hearing date will be determined. Both parties will receive the Investigator’s Report, and evidence, at least 10 days prior to the hearing.
- f. On the appointed date/time of the live hearing, the individuals involved will include the Decision Maker, the Complainant, the Respondent, and their respective Advisors. Both parties’ advisors have the ability to examine and cross-examine witnesses to include the challenging of the credibility of the witnesses. These examinations must be direct, oral, and in real time. Only relevant questions may be asked and prior sexual conduct will not be considered relevant. A recording of the hearing will be made by video.
- g. Upon completion of the hearing, the Decision Maker will make a written determination, provided simultaneously to both parties, based on the following:
 - i. Preponderance of Evidence
 - ii. Conclusions about whether the alleged sexual harassment occurred
 - iii. Rationale for the result
 - iv. Description of the formal complaint through the hearings
 - v. Findings of fact and conclusions
 - vi. Disciplinary sanctions and whether remedies will be provided
 - vii. Procedures for Appeal
- h. Appeals: The complainant and respondent may appeal the final decision. The appeal must be based on procedural irregularities that affected the outcome of the matter, newly discovered evidence that could affect the outcome of the matter, or the Title IX Coordinator/Investigator/Decision Maker had a conflict of interest or bias that affected the outcome of the matter. The appeal must be made in writing and provide details on the basis of the appeal. The appeal must be sent to the Appellate Authority:

Garrett Shuler
1221 Bower Parkway Ste 101, Columbia, SC 29212
- i. While the time it may take to investigate and resolve a Title IX grievance will depend on a variety of factors, including the nature and scope of the allegations, the Decision Maker will seek to resolve the

grievance within 45 working days of receipt of the grievance. Throughout the process, the Title IX Coordinator will, as appropriate, keep the participants informed of the status of the grievance process.

- j. To initiate a criminal investigation, reports of sexual violence should be made to “911” or local law enforcement. The criminal process is separate from the School’s disciplinary process. To the extent that an employee or contract worker is not satisfied with the School’s handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

6. Contacts

All complaints involving a student will be referred to the Title IX Coordinator as listed under Reporters. The Title IX Coordinator is listed below and has the responsibility of overseeing all Title IX complaints and investigations.

The Title IX Coordinators can be reached at the following addresses and telephone numbers:

Steven Dawson, Director of Compliance (For Staff Issues Only)

1221 Bower Parkway Ste 101

Columbia, SC 29212

803-798-8515

The campus Title IX Coordinators can be reached at their respective campuses:

Wendy Willis, School Director 449 St. Andrews Road Columbia, SC 29210 803-772-6042 sadirector@kennethshuler.com	Haley Gandy, School Director 2443 West Lucas Street Florence, SC 29501 843-679-3778 flodirector@kennethshuler.com
Jennifer Varn, School Director 1515 John B White Sr. Blvd Spartanburg, SC 29301 864-587-6000 sptdirector@kennethshuler.com	Jean Schlaiss, School Director 2383 Cherry Road Rock Hill, SC 29732 803-328-5166 rhdirector@kennethshuler.com
April David, School Director 7474 Garners Ferry Road Columbia, SC 29209 803-776-9100 gfdirector@kennethshuler.com	Sarah Loftin, School Director 3528-A Highway 153 Greenville, SC 29611 864-269-6886 gvdirector@kennethshuler.com
Lanita Battle, School Director 1113 Knox Avenue North Augusta, SC 29841 803-278-1200 nadirector@kennethshuler.com	Katie Cortez, School Director 98 Davenport Street Ste 10 Goose Creek, SC 29445 843-285-5470 gcdirector@kennethshuler.com

7. Prevention and Education

All employees are informed of the Title IX policy upon hiring and at least annually. Students receive information regarding the School’s obligations, recognizing and reporting discrimination/harassment, the School’s policies and procedures, and prevention strategies during their orientation.

Ongoing education is provided for Title IX compliance.

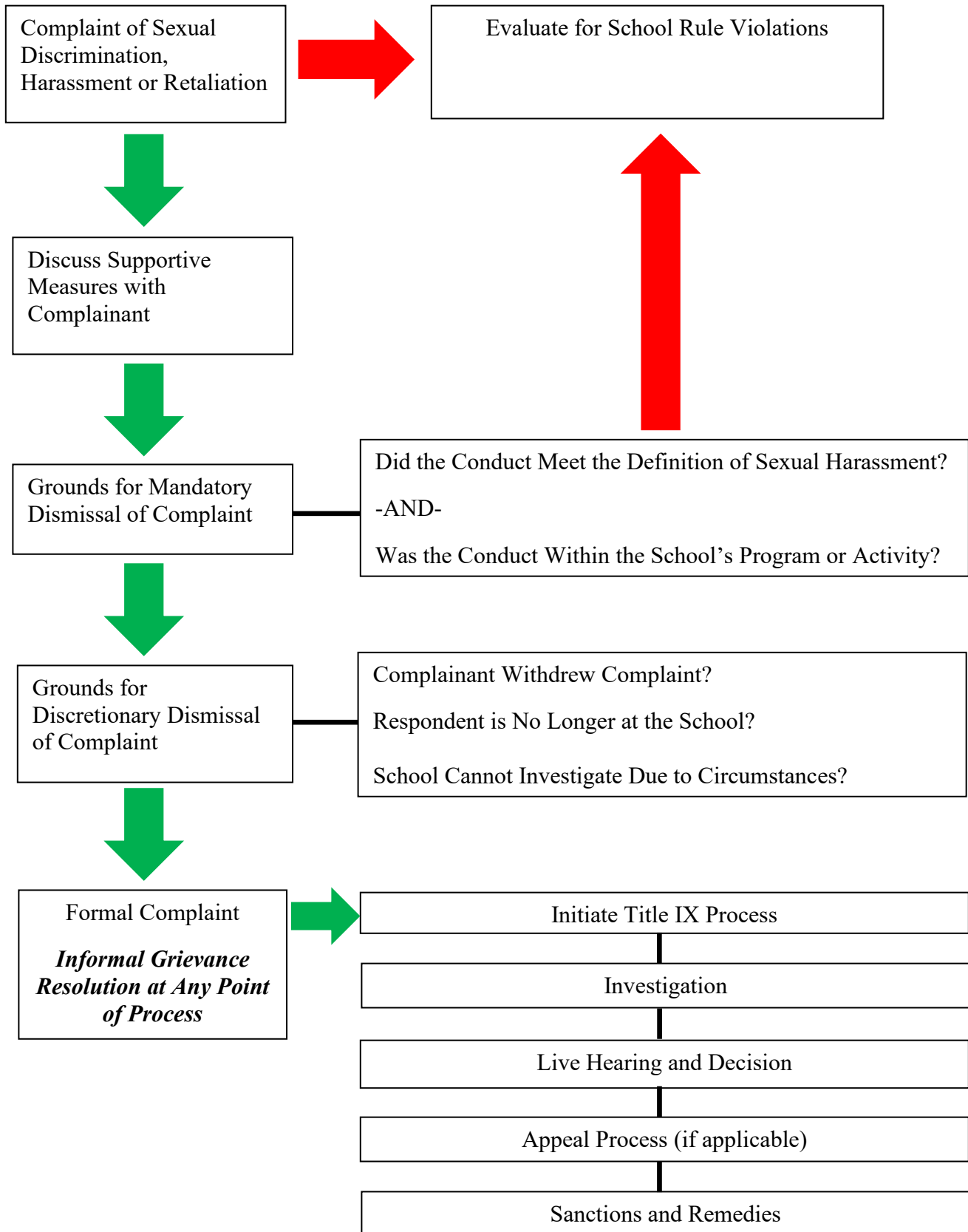
The School does not maintain professional and/or non-professional counselors/advocates on campus or on-campus police/security. The School recommends that the victim receive assistance through outside sources. The following is a contact list for these off-campus, outside resources:

<p><u>Law Enforcement</u> Call 911</p>	<p><u>Statewide Coalition</u> <i>South Carolina Coalition Against Domestic Violence and Sexual Assault</i> P.O. Box 7776 Columbia, SC 29202 T: (803) 256-2900 F: (803)256-1030 www.sccadvasa.org</p>
<p><u>Columbia Area</u> Sexual Trauma Services of the Midlands Columbia, SC Hotline: 800-491-7273 Hotline: 803-771-7273 Phone: 803-771-7273</p>	<p><u>North Augusta Area</u> Rape Crisis and Sexual Assault Services Augusta, GA Hotline: 7067245200 Phone: 7067245200</p>
<p><u>Florence Area</u> Pee Dee Coalition Against Domestic & Sexual Assault Florence, SC Hotline: 1-800-273-1820 Hotline: 843-669-4600 Phone: 843-669-4600</p>	<p><u>Greenville Area</u> Rape Crisis Council Easley, SC Hotline: 864-442-5500 Phone: 864-442-5500</p>
<p><u>Spartanburg Area</u> Safe Homes Spartanburg, SC Hotline: 800-273-5066 Hotline: 864-583-9803 Phone: 864-583-9803</p>	<p><u>Rock Hill Area</u> Safe Passage, Inc. Rock Hill , SC Hotline: 800-659-0977 Hotline: 803-329-2800 Phone: 803-329-2800</p>

Disclaimer:

References and resources listed above are for the information and convenience of the public, and does not constitute endorsement, recommendation, or favoring by Kenneth Shuler's School of Cosmetology, Inc.

Flowchart of Grievance Process



Title IX Formal Grievance Form

Please provide the following information:

Your Name:

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Address:

Street	
City, State	
Zip Code	

Contact Info:

Home Phone	
Cell Phone	
Email Address	

Are you a: ☐ Student ☐ Staff Member...position: _____

Date the event(s)		Location of the event(s)	
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Describe in as much detail as possible the event(s) that occurred (attach additional sheets if necessary). Please also include the following:

- The name(s) of all parties involved
- The name(s) of any witnesses or individuals who may have knowledge of the event(s)

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What support measures are you seeking?

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What action/remedy are you seeking?

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Print out and send to the following:

If you are a Student, please provide this form to your Title IX Coordinator (School Director).

If you are an Employee, please provide this form to:

Steven Dawson, Director of Compliance, 1221 Bower Parkway Ste 101, Columbia, SC 29212

(803) 798-8515