

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

Kenneth Shuler's School of Cosmetology, Inc., herein referred to as "The School," 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 in or attempting to participate in its educational programs or activities, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party.

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.

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. Complaints:

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.

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

- A "complainant," which includes:
 - a student or employee of The School 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 The School 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 The School'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
- The School's Title IX Coordinator.

Note: 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 federal requirements.

The School 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.

2. Basic Requirements of Title IX Grievance Procedures:

The School will treat complainants and respondents equitably.

The School 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. The School may utilize outside parties to help navigate the grievance process.

The School 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 typical timeframes for a Title IX grievance procedure can vary and be extended due to the absence of parties/witnesses, accommodations, law enforcement activities, or any granted extensions. The School has established the following general timeframes for the major stages of the grievance procedures (Entire process between 60-90 days):

- Written Notice of Allegations – Typically a meeting will be held within 1 week of the receipt of a formal grievance.
 - Evaluation of Complaint for Dismissal – Typically this determination will be made within 1 week following the first meeting with the complainant.
- Investigation – Typically, the investigation process will take 15 to 30 business days. This process involves interviewing parties, witnesses, reviewing evidence, and allowing both parties time to respond to evidence.
- Determination and Notices – Typically, this process includes the hearing and can take between 10 and 15 business days.
- Appeal Process – Must notify Appellate Authority, in writing, within 15 days of final determination. Appeal process will typically take between 10 to 15 business days for final determination.

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 60 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.

The School has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause:

- Either party may request an extension, in writing, which explains the reason for the delay.
- Both parties will be notified of the extension request.
- The Title IX Coordinator will review the extension request.
- Both parties will be notified of the extension request determination within 10 business days.

The School 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.

The School will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. (Inculpatory evidence points to the respondent's guilt while exculpatory evidence suggests the respondent's innocence.) 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 The School 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 The School 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.

3. Written Notice of Allegations:

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

- The School'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-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; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence.

If, in the course of an investigation, The School 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.

4. Dismissal of a Complaint:

The School may dismiss a complaint if:

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

Upon dismissal, The School 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 The School will notify the parties simultaneously in writing.

The School 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 The School will also notify the respondent

that the dismissal may be appealed on the same bases. If a dismissal is appealed, The School will follow the procedures outlined in the *Appeals* section.

When a complaint is dismissed, The School 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 The School's education program or activity.

5. Investigation:

The School will provide for adequate, reliable, and impartial investigation of complaints. The burden is on The School—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

The School 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.

The School 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.

- The School will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- The School 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.

The School 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.

The School 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.

The School will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

The School 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:

- The School will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence;
- The School will provide a reasonable opportunity to review and respond to the evidence; and
- The School 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.

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. 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 for review. Both parties will receive the Investigator's Report, and evidence, at least 10 days prior to the hearing.

6. Questioning the Parties and Witnesses:

The School 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.

The School'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.]

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.

Use of Technology in Hearings: The School may, at the request of either party or at its own discretion, conduct live hearings using technology that enables participants to appear from separate locations. This technology will allow all parties to simultaneously see and hear each other during the hearing. The School will make an audio or audiovisual recording or transcript of any live hearing, which will be made available to the parties for inspection and review.

7. Determination Whether Sex-Based Harassment Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, The School will:

- Use the preponderance of the evidence 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:
 - A description of the alleged sex-based harassment;
 - Information about the policies and procedures that The School used to evaluate the allegations;
 - The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
 - When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions The School will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by The School to the complainant, and, to the extent appropriate, other students identified by The School to be experiencing the effects of the sex-based harassment; and
 - The School's procedures and permissible bases for the complainant and respondent to appeal.

- The School 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:
 - Coordinate the provision and implementation of remedies to a complainant and other people The School identifies as having had equal access to The School's education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
 - Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within The School'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 The School 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.

8. Appeals:

The School 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, The School 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 The School 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 The School offers will be equally available to all parties.

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 within 15 calendar days of the dismissal or determination:

Garrett Shuler
172 McSwain Drive, West Columbia, SC 29169

9. Informal Resolution:

In lieu of resolving a complaint through The School's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The School will inform the parties in writing of any informal resolution

process it offers and determines is appropriate, if any. The School will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, The School will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information The School will maintain and whether and how The School could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Both parties must sign a written consent of the informal grievance resolution.

10. Supportive Measures:

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

- Providing contact information for counseling
- Extensions of deadlines or other course-related adjustments
- Modifications of work or class schedules
- Escorting from campus to vehicle
- Mutual restrictions on contact between the parties
- Leaves of absence
- Increased monitoring of certain areas of the campus.

Any supportive measures provided to the complainant or respondent will remain confidential to the extent possible. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

In certain circumstances, The School may remove a respondent from its education program or activity on an emergency basis.

Prior to removal, The School will conduct an individualized safety and risk analysis to determine whether the respondent poses an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sex-based harassment.

If such a threat is determined to exist, The School may remove the respondent, provided that the respondent is given notice of the removal and an opportunity to challenge the decision immediately following the removal. This provision does not modify any rights under the Individuals with Disabilities Education Act, Section 504 of the Rehabilitation Act, or the Americans with Disabilities Act.

11. Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, The School may impose disciplinary sanctions, which may include suspension, expulsion, or other disciplinary actions as determined by The School. The School may also provide remedies, which may include those items listed under the previous section to include Supportive Measures.

12. Roles

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.

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 if requested.

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.

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.

13. 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)
172 McSwain Drive
West Columbia, SC 29169
803-798-8515

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

School Director 172 McSwain Drive West Columbia, SC 29169 803-772-6042 wecodirector@kennethshuler.com	School Director 2443 West Lucas Street Florence, SC 29501 843-679-3778 flodirector@kennethshuler.com
School Director 2375 Cherry Road Suite 102 Rock Hill, SC 29732 803-328-5166 rhdirector@kennethshuler.com	School Director 3532 Highway 153 Greenville, SC 29611 864-269-6886 gvdirector@kennethshuler.com
	School Director 1113 Knox Avenue North Augusta, SC 29841 803-278-1200 nadirector@kennethshuler.com

14. **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:

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

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.

15. **Record Retention**

The School will maintain for a period of seven (7) years records of:

- Each Title IX sexual harassment investigation, including any determination regarding responsibility, disciplinary sanctions imposed, and any remedies provided to a complainant;
- Any appeal and the result thereof;
- Any informal resolution and the result thereof;
- All materials used to train Title IX Coordinators, investigators, decision-makers, and facilitators of informal resolutions; and

- All actions taken, including supportive measures, in response to a report or formal complaint of sex discrimination.

These records will be maintained in a manner that protects the confidentiality of the parties to the extent permitted by law.

16. Glossary of Terms

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 or its regulations.

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.

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.

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.

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.

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. Factors to include:

1. The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
2. The type, frequency, and duration of the conduct;
3. 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;
4. The location of the conduct and the context in which the conduct occurred; and
5. Other sex-based harassment in the recipient's education program or activity.

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

Party means a complainant or respondent.

Peer retaliation is defined as retaliation by one student against another student which is prohibited.

Preponderance of Evidence means that the complainant has the burden of proving the facts and claims asserted in the complaint.

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.

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.

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 means intimidation, threats, 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 is 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:

- (A) *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;
- (B) *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:
 - a. The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
 - b. The type, frequency, and duration of the conduct;
 - c. 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;
 - d. The location of the conduct and the context in which the conduct occurred; and
 - e. Other sex-based harassment in the recipient's education program or activity; or
- (C) *Specific offenses*.
 - a. Sexual assault meaning an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation;
 - b. Dating violence meaning violence committed by a person:
 - i. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
 - ii. Where the existence of such a relationship shall be determined based on a consideration of the following factors:

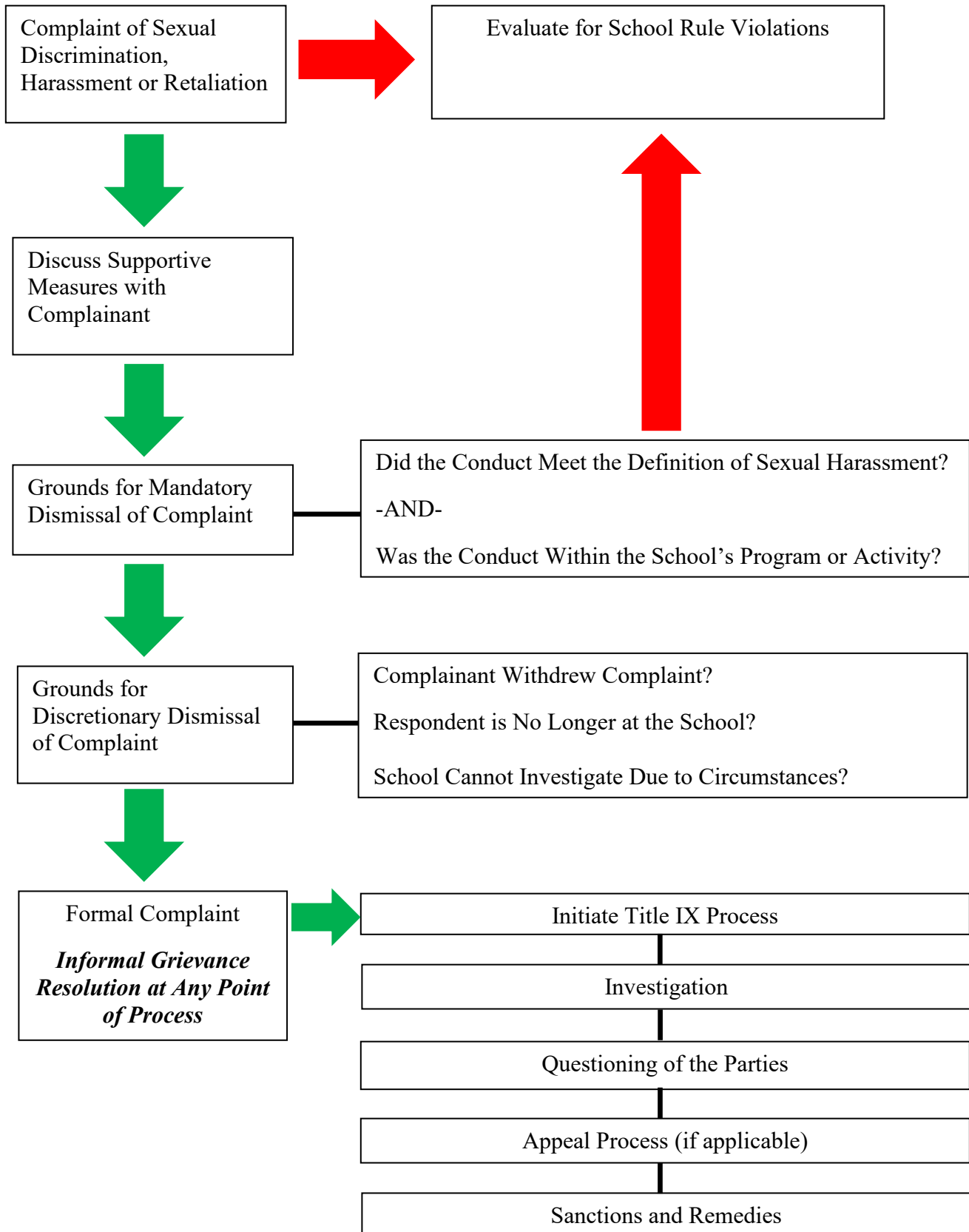
1. The length of the relationship;
 2. The type of relationship; and
 3. The frequency of interaction between the persons involved in the relationship;
- c. Domestic violence meaning felony or misdemeanor crimes committed by a person who:
- i. Is a current or former spouse or intimate partner of the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

Sex discrimination includes discrimination based on sex stereotypes, sex characteristics, pregnancy or related conditions, sexual orientation, and gender identity.

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:

- (A) 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
- (B) Provide support during the recipient's grievance procedures or during an informal resolution process.

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, 172 McSwain Drive, West Columbia, SC 29169

(803) 798-8515