

TITLE IX POLICY OF THE SALON PROFESSIONAL ACADEMY: PROHIBITION OF SEXUAL HARASSMENT

The Salon Professional Academy is committed to providing a work and educational environment free of unlawful harassment, discrimination and retaliation. In accordance with Title IX, TSPA does not discriminate on the basis of sex in its Education Programs or Activities, which extends to admission and employment. TSPA also prohibits Sexual Harassment committed against persons in the United States as part of its Education Programs or Activities.

TSPA reserves the right to make changes to this policy as necessary, and once those changes are posted online, they are in effect. If government laws, regulations or court decisions change requirements in a way that affects this policy, the policy will be construed to comply with the most recent government regulations or holdings.

This policy, including the grievance process, apply only to complaints alleging sexual harassment under Title IX. All other complaints involving discrimination based on Sexual Harassment policy can be found on the school website by clicking Title IX policy tab <https://salonproacademy.com>

To report information about conduct that may constitute sexual harassment or make a complaint of sexual harassment under Title IX, please refer to Title IX policy link on <https://salonproacademy.com> website.

Inquiries about Title IX may be referred to The Salon Professional Academy Title IX Coordinator.

Penny Nelson 608-792-4091
566 Theater Rd. Onalaska WI. 54650
Pennynelson@salonproacademy.com

Inquiries can also be directed to the U.S. Department of Education's Office for Civil Rights.

STATEMENT REGARDING SEXUAL DISCRIMINATION UNDER TITLE IX

The Salon Professional Academy does not discriminate on the basis of sex and prohibits sex discrimination and sexual harassment in any education program or activity that it operates, including on the basis of race, color, national origin, disability, religion, sex (other than sexual harassment under Title IX), pregnancy, and age in admission and employment.

The Salon Professional Academy's nondiscrimination policy and grievance procedures can be located at <https://salonproacademy.com>. The most recent link is always available at the bottom of the home page by clicking Student Handbook.

TSPA also prohibits retaliation against any person opposing discrimination, sexual harassment or participating in any investigation or complaint process internally or externally. Reports of misconduct, questions regarding Title IX, and concerns about noncompliance should be directed to the Title IX Coordinator. For a complete copy of the policy or more information, please contact the Title IX Coordinator.

SCOPE OF SEXUAL HARASSMENT

Sex-based harassment is a form of sex discrimination and means sexual harassment and other harassment on the basis of sex, including when it takes the form of:

- Quid pro quo harassment (e.g., when an employee conditions a benefit on a person's participation in unwelcome sexual conduct);
- specific offenses (e.g., sexual assault, dating violence, domestic violence, and stalking); and/or
- Hostile environment harassment is defined as 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.

This policy prohibits sexual harassment (which includes Sexual Assault, Dating Violence, Domestic Violence and Stalking) under Title IX in all programs, Activities, and operations of The Salon Professional Academy. Individuals who engage in such acts are in violation of this policy and are subject to disciplinary action.

When the school has Actual Knowledge of sexual harassment under Title IX in an Education Program, Activity, or operation of the school against an individual, including a student or employee, the school shall respond promptly in a manner that is not deliberately indifferent.

The Salon Professional Academy has jurisdiction over Title IX sexual harassment complaints regarding conduct that occurs at locations, events, or circumstances over which the school exercises substantial control over both the individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment under Title IX and the context in which the sexual harassment occurred. This may include conduct that occurs on and off campus. If the alleged conduct does not constitute sexual harassment under Title IX, The Salon Professional Academy reserves the right to address the conduct under other policies or codes of conduct.

TITLE IX COORDINATOR

The Title IX Coordinator is responsible for coordinating TSPA's Title IX compliance efforts. The Title IX Coordinator is responsible for implementing TSPA's Title IX policy, intaking Reports and Formal Complaints of Sexual Harassment, and Sex discrimination providing supportive measures and maintaining accurate Clery Act crime statistics.

Title IX Coordinator: Penny Nelson (608) 792-4091
566 Theater Rd.
Onalaska, WI 54650
pennynelson@salonproacademy.com

Any person can Report sex discrimination, including Sexual Harassment (whether or not the person reporting is the alleged victim) in person, by mail, telephone, or e-mail, using the contact information listed above for the Title IX Coordinator. A Report can be made at any time, including during non-business hours. However, responses to Reports made outside of business hours, including during weekends and holidays, may be delayed.

DEFINITION OF SEXUAL HARASSMENT UNDER TITLE IX

“Sexual Harassment” under Title IX means conduct on the basis of sex that satisfies one or more of the following:

- An employee conditioning educational benefits or participation on an individual’s participation in unwelcome sexual conduct.
- Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Education Program or Activity; or
- Sexual Assault, as defined in 20 U.S.C. § 1092(f)(6)(A)(v), Dating Violence, as defined in 34 U.S.C. § 12291(a)(10), Domestic Violence, as defined in 34 U.S.C. § 12291(a)(8), or Stalking, as defined in 34 U.S.C. § 12291(a)(30) (collectively referred to as “Sexual Violence”).

“Sexual Assault” means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including but not limited to rape, Sexual Assault with an object, and groping.

Sexual Assault includes, but is not limited to:

- a. Intentional touching of another person’s intimate parts without that person’s Consent; or
- b. Other intentional sexual contact with another person without that person’s Consent; or
- c. Coercing, forcing, or attempting to coerce or force a person to touch another person’s intimate parts without that person’s Consent; or
- d. Rape, which is penetration, no matter how slight, of the vagina or anus of a person by any body part of another person or by an object, or the mouth of a person by a sex organ of another person, without that person’s Consent.

“Dating Violence” means violence committed by a person:

Who is or has been in a social relationship of a romantic or intimate nature with the Complainant; and

Where the existence of such a relationship shall be determined based on the reporting party’s statement and a consideration of the following factors:

- the length of relationship
- the type of relationship
- frequency of interaction between the persons involved in the relationship.

In accordance with the Violence Against Women Reauthorization Act of 2013 (“VAWA”), state definitions for Sexual Assault, Dating Violence, Domestic Violence, Stalking and Consent are contained in TSPA’s Annual Security Report (“ASR”). VAWA crime statistics are reported in the ASR based on the definitions above.

Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

“Domestic Violence” includes but is not limited to felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person who is cohabitating with or has cohabitated with the Complainant as a spouse or intimate partner, by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction.

While not exhaustive, the following are examples of conduct that can constitute Domestic Violence:

1. physical harm, bodily injury or assault;
2. the infliction of fear of imminent physical harm, bodily injury, or assault; or
3. terroristic threats, criminal sexual conduct, or interference with an emergency call.

“Stalking” means engaging in conduct directed at a specific person that would cause a safe, reasonable person to fear for his or her or the safety of others or to suffer substantial emotional distress.

Examples include acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property. Stalking behavior includes, but is not limited to:

- Repeated, unwanted, intrusive, or frightening communications by phone, mail, text, email and/or social media;
- Repeatedly leaving or sending an individual unwanted items, presents, or flowers;
- Following or lying in wait for an individual at places such as home, school, work, or recreation place;
- Making direct or indirect threats to harm an individual, an individual’s children, relatives, friends, or pets;
- Damaging or threatening to damage an individual’s property;
- Posting information or spreading rumors about an individual on the internet, in school, or by word of mouth.
- Unreasonably obtaining personal information about an individual by using internet search services, hiring private investigators, going through an individual’s garbage, following an individual, contacting an individual's friends, family, work, or neighbors, etc.

KEY DEFINITIONS

“Actual Knowledge” means notice of Sexual Harassment or allegations of Sexual Harassment under Title IX to the Title IX Coordinator; or any officials of the school who have authority to institute corrective measures on behalf of The Salon Professional Academy.

Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute Actual Knowledge. This standard is not met when the only official with Actual Knowledge is the alleged perpetrator. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of Salon Professional Academy. “Notice” as used in this paragraph includes, but is not limited to, a Report of Sexual Harassment to the Title IX Coordinator.

“Advisor” means an individual chosen by a party to accompany the party to meetings related to the resolution process, to advise the party on that process and to conduct cross-examination for the party at any hearing, if any. If a party does not have an Advisor at the hearing portion of the Grievance Process, TSPA will appoint an Advisor.

“Complainant” someone who is 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 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.

“Confidential Employee” TSPA does not have confidential employees

Instead, all employees must report any and all information from anyone who informs them of conduct that reasonably may constitute sexual harassment about their obligation to report the conduct to the Title IX Coordinator with contact details and directions for how to make a complaint, and how the Title IX Coordinator can help.

“Consent” means words or overt actions by a person who is competent to give informed Consent indicating a freely given agreement to have sexual intercourse or sexual contact. The following persons are presumed incapable of Consent: a person suffering from a mental illness or defect which impairs capacity to appraise personal conduct, and a person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

There is no Consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress are used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining Consent.

- Silence or absence of resistance does not imply Consent.
- Past Consent to sexual activity with another person does not imply ongoing future Consent with that person or Consent to that same sexual activity with another person.
- If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no Consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

“Day” when used in this policy means a business day and does not include Saturday, Sunday, legal holidays, or days the school is closed.

“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.

“Education Program or Activity” includes on or off campus locations, events, or circumstances over which the Salon Professional Academy exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurred.

“Exculpatory Evidence” is evidence that tends to clear or excuse a Respondent from allegations of Sexual Harassment.

“Formal Complaint” means a document (hardcopy or electronic) filed by a Complainant or signed by the Title IX Coordinator, alleging Sexual Harassment against a Respondent and requesting the school to investigate the allegation of Sexual Harassment. At the time a Formal Complaint is filed (either by the Complainant or guardian, or the Title IX Coordinator), the named Complainant must be participating in or attempting to participate in the Education Program or Activity of The Salon Professional Academy.

“Inculpatory Evidence” is evidence that tends to establish a Respondent’s responsibility for alleged Sexual Harassment.

“Party” means a complainant or respondent

“Preponderance of the Evidence” is the standard applied by the decision-makers under the grievance process in this policy and means that there is sufficient relevant evidence for the decision-makers to find that the Respondent has more likely than not engaged in conduct that violates this policy.

“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 an individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment

“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 24 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.

“Report” means a written or verbal communication in person or via electronic communication, U.S. mail, facsimile, voicemail or telephone or notification made by any person for the purpose of providing information about alleged Sexual Harassment under Title IX. The grievance procedure is triggered only when a Report is made or provided to the Title IX Coordinator or an individual who has authority to institute corrective measures on behalf of the school. A Report of Sexual Harassment does not constitute a Formal Complaint under the grievance process in this policy.

“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:

(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; specific offenses (e.g., sexual assault, dating violence, domestic violence, and stalking); and/or

(2) Hostile environment harassment.

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:

- The degree to which the conduct affected the complainant's ability to access the recipient's education program or activity;
- 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;
- The location of the conduct and the context in which the conduct occurred; and
- 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 nonforcible 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:

- The length of the relationship;
- The type of relationship; and
- The frequency of interaction between the persons involved in the relationship;

(iii) Domestic violence meaning felony or misdemeanor crimes committed by a person who:

- 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;
- Is cohabitating, or has cohabitated, with the victim as a spouse or intimate partner;
- Shares a child in common with the victim; or
- 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:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

"Supportive Measures" means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent without unreasonably burdening the other party, before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to TSPA's Education and provide support during the recipient's grievance procedures or during an informal resolution process, while protecting the safety of all parties and the educational environment; and ensuring the discontinuance of Sexual Harassment. Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, leaves of absence, and other similar measures.

REPORTING

The Salon Professional Academy 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.

If you believe that you have experienced or witnessed Sexual Harassment (including Sexual Violence) discrimination or retaliation, TSPA encourages you to notify the Title IX Coordinator as soon as possible after the incident. A Report may be made to either or both the police and the Title IX Coordinator.

A Report of Sexual Violence may be made to either or both the police and the Title IX Coordinator. The criminal process is separate from TSPA's process. It is TSPA's policy not to notify local law enforcement when Sexual Violence occurs, unless a Complainant wishes or there is an emergency threat to health or safety. Complainants have the option to notify law enforcement directly or be assisted in doing so. If requested, TSPA will assist a victim of Sexual Violence in contacting the police. A Complainant is not required to contact the police in order to pursue TSPA's grievance process.

TSPA does not issue orders of protection. Orders of protection, restraining orders, injunctions or similar lawful orders may be obtained through the court system and can be enforced by TSPA. Individuals who have obtained an order of protection are encouraged to provide a copy to the Title IX Coordinator as soon as possible. Although TSPA does not issue orders of protection, information on how to obtain a protective order is located in the ASR.

Any person (including a person not alleged to be the victim of Sexual Harassment) may report Sexual Harassment at any time, including during non-business hours, to the Title IX Coordinator by mail, by telephone, by electronic mail, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written Report. Reports may be made orally or may be in writing. The Report should identify the alleged victim, perpetrator, and witnesses, and describe the Sexual Harassment in detail including date, time, and location.

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to TSPA's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer Supportive Measures and/or remedies, and/or engage in informal or formal action, as appropriate.

CONFIDENTIALITY

An individual who seeks completely confidential assistance may do so by speaking with professionals who have legally protected confidentiality. TSPA does not have confidential reporting resources, such as pastoral or professional counselors on campus. Crisis, mental health and victim resource hotline information is available in the "If you Experience Sexual Violence" section of the ASR and in the student support services manual located in the learning resource lab. Information shared with confidential resources will not be shared with TSPA (including the Title IX Coordinator) or anyone else without express, written permission of the individual seeking services unless required by law or court order.

In order to make informed choices, it is important to be aware of confidentiality and reporting requirements when consulting TSPA resources. The School Director and Director of Education will share knowledge, notice and/or reports of Sexual Harassment (including Sexual Violence), discrimination and/or retaliation with the Title IX Coordinator. Other employees, including educators, will also report instances of Sexual Harassment (including Sexual Violence), discrimination or retaliation to the Title IX Coordinator.

The school shall keep confidential the identity of any person who has made a Report or complaint of Sexual Harassment under Title IX, any Complainant, any individual who has been reported to be the perpetrator of Sexual Harassment, any Respondent, and any witness, except as may be permitted by the Family Educational Rights and Privacy Act ("FERPA"), as required by law, or to carry out the purposes of this Policy or Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising under Title IX.

TSPA may not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional and which are made and maintained in connection with the provision of treatment to the party, unless voluntary written Consent of the party or the party's parent or guardian is obtained.

RESPONSE TO REPORT OF SEXUAL HARASSMENT

TSPA will treat Complainants and Respondents equitably by offering Supportive Measures to a Complainant, and by following a grievance process that complies with Title IX before the imposition of any disciplinary sanctions or other actions that are not Supportive Measures as against a Respondent.

When TSPA is required to provide notice to parties identified in the grievance process, notice shall be acceptable if it is in writing and delivered to the parties and Advisors in person by the Title IX Coordinator or designee by U.S. mail to the local or permanent address of the individual as indicated in official school records.

In all circumstances, the parties must confirm receipt to the Title IX Coordinator within five (5) business Days. A Respondent who fails to confirm receipt of a notice of outcome as required herein, may be subject to disciplinary sanctions.

SUPPORTIVE MEASURES

The Title IX Coordinator will provide Supportive Measures as necessary. Initially, the Title IX Coordinator will:

- Contact the Complainant (individual alleged to be the victim of Sexual Harassment) to discuss the availability of Supportive Measures. Consider the Complainant's wishes with respect to Supportive Measures and inform the Complainant of the availability of Supportive Measures with or without filing a Formal Complaint; and explain to the Complainant the process for filing a Formal Complaint.
- Determine appropriate Supportive Measures and coordinate with appropriate administration to provide supportive services to the Complainant.
- Document the provision of Supportive Measures or if Supportive Measures are not provided, document the reasons why such response was not clearly unreasonable in light of the known circumstances.

The Supportive Measures needed by the Complainant and/or Respondent may change over time, and the Title IX Coordinator will communicate with each party to ensure that any Supportive Measures are necessary and effective based on evolving needs. These measures will be provided in a way that does not impose any undue burden on the complainant or respondent.

TSPA will maintain as confidential any Supportive Measures provided to the Complainant to the extent that maintaining such confidentiality would not impair the ability of the school to provide the Supportive Measures.

Victims of Sexual Violence will also be provided with written notification about existing counseling, health and/or mental health services, victim advocacy, legal assistance, visa and immigration assistance, safety planning, timely warnings, student financial aid and other services available to victims within TSPA and in the community.

Emergency Removal of a Student. Upon receipt of actual notice, the Title IX Coordinator (in consultation with administration) may consider whether a Respondent should be removed from the Education Program, Activity, or operation of the Academy on an emergency basis. Before any emergency removal is permitted, the school shall:

- Undertake an individualized safety and risk analysis;
- Determine that an immediate threat to the health or safety of students or other individual justifies removal; and
- Provide Respondent notice of the removal and of the opportunity to challenge the decision by submitting a written statement challenging the decision and the reasons therefore, to the Title IX Coordinator within twenty-four (24) hours following the removal.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

Administrative Leave of an Employee. The school may place a non-student employee Respondent on administrative leave, including during the pendency of a grievance process. TSPA shall comply with any applicable requirements under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act when removing a Respondent from the Education Program,

Activity, or operation or placing a Respondent on administrative leave.

TSPA will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: temporarily re-assigning an employee, restricting a student's or employee's access to the campus, allowing a student to withdraw or take grades of incomplete without financial penalty, and authorizing an administrative leave.

[FORMAL COMPLAINT](#)

Complaints:

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

A "complainant," which includes:

- A student or employee of TSPA who is alleged to have been subjected to conduct that could constitute sexual harassment under Title IX; or
- A person other than a student or employee of TSPA who is alleged to have been subjected to conduct that could constitute sexual harassment under Title IX at a time when that individual was participating or attempting to participate in The Salon Professional Academy's education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- The Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint.

TSPA may consolidate complaints of sexual harassment 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 sexual harassment arise out of the same facts or circumstances.

A Complainant may file a Formal Complaint with the Title IX Coordinator in person, by mail, by electronic mail, by using the contact information for the Title IX Coordinator, or by any additional method designated by school. The Complainant may be required to fill out additional information on a Formal Complaint document.

A document filed by a Complainant means a document or electronic submission that contains the Complainant's physical or digital signature or otherwise indicates that the Complainant, or a guardian acting on behalf of a Complainant, is the person filing the Formal Complaint. If TSPA receives a Formal Complaint, the school will follow the grievance process below.

[Title IX Coordinator May Sign a Formal Complaint](#)

If a Complainant chooses not to file a Formal Complaint, the Title IX Coordinator may engage in a determination of whether to sign a Formal Complaint. This determination may not be delegated to any other individual.

In making this determination, the Title IX Coordinator shall consult with other school administration as deemed necessary or appropriate, to consider whether the schools interest in the safety of others as well as potential disciplinary sanctions against the Respondent, warrants signing by the Title IX Coordinator.

Upon signing the Formal Complaint, the Title IX Coordinator does not become a Complainant or party to the Formal Complaint.

Notice of a Formal Complaint

Normally within ten (10) Days of receiving a Formal Complaint, but no less than five (5) Days before an initial interview, the Title IX Coordinator shall provide a written notice to the parties who are known. The written notice shall include:

Following a determination that sex-based harassment occurred, Notice of grievance process, including any informal resolution process;

Notice of the allegations potentially constituting Sexual Harassment, including sufficient details known at the time of the notice (identities of the parties involved in the incident, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident); the grievance procedure includes documentation of possible supportive measures discussed with the Title IX coordinator. The Salon Professional Academy may impose disciplinary sanctions to student and employee respondents and or remedies to complainants which are outlined after the written determination section in this document.

TSAP may adopt additional provisions in its grievance procedures as long as the provisions apply equally to the parties.

Supportive Measures(as previously detailed in the supportive measures section of this document) may include but are not limited to:

- Complainant's wishes for Supportive Measures
- Measures available with or without filing a Formal Complaint
- Explanation to Complainant of process for filing a Formal Complaint
- Determine appropriate/ available Supportive Measures
- Coordinate with appropriate administration to provide supportive services
- Emergency Removal of a Student
- Administrative Leave of an Employee
- Non-student employee Respondent administrative leave
- Confidentiality
- Expulsion or termination.
- Temporarily re-assigning an employee.
- Restricting a student's or employee's access to the campus
- Allowing a student to withdraw or take grades of incomplete without financial penalty
- Resource information for accessing counseling, health and/or mental health services, victim advocacy, legal assistance, visa and immigration assistance, safety planning, timely warnings, student financial aid and other services available to victims within TSPA and in the community.

WRITTEN NOTICE OF ALLEGATIONS

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

- TSPA'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);
- The parties will also be provided with separate written notice of any investigative interview, meeting or hearing. Interview/meeting notices will include the date, time, location, participants and purpose of the investigative interview or meeting.
- Retaliation is prohibited;
- The Salon Professional Academy will notify the complainant that a dismissal may be appealed on the bases outlined in the Appeals section. If dismissal occurs after the respondent has been notified of the allegations, then TSPA will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, TSPA will follow the procedures outlined in the Appeals section.

When a complaint is dismissed, TSPA 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 harassment does not continue or recur within TSPA's education program or activity.

Normally within ten (10) Days of receiving a Formal Complaint, but no less than five (5) Days before an initial interview, the Title IX Coordinator shall provide a written notice to the parties who are known. The written notice shall include:

Notice of grievance process, and any informal resolution process, if offered

Notice of the allegations potentially constituting Sexual Harassment, including sufficient details known at the time of the notice (identities of the parties involved in the incident, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident);

A statement that 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 decision maker;

A statement that the parties may request to inspect and review evidence that is directly related to the allegations raised in the Formal Complaint. 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. If TSPA provides access to an investigative report, it will be available, upon the request to both parties; and a statement that the parties may have an advisor of their choice that can be an attorney but is not required to be an attorney.

Notice to the parties of any provision in the TSPA code of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process. TSPA's policy prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, TSPA 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.

The parties will also be provided with separate written notice of any investigative interview, meeting or hearing. Interview/meeting notices will include the date, time, location, participants and purpose of the investigative interview or meeting.

A statement that the parties may request to inspect and review evidence that is directly related to the allegations raised in the Formal Complaint; 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. If TSPA provides 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 the parties may have an Advisor of their choice who may be, but is not required to be, an attorney;

If, during an investigation, TSPA decides to investigate allegations about the Complainant or Respondent that are not included in the notice, the school shall provide notice of the additional allegations to the parties whose identities are known

DISMISSAL OF FORMAL COMPLAINT

The Salon Professional Academy may dismiss a complaint if:

- TSPA is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in TSPA's education program or activity and is not employed by TSPA;
- The Salon Professional Academy obtains the complainant's voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and TSPA 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 Salon Professional Academy determines the conduct alleged in the complaint, even if proven, would not constitute sexual harassment under Title IX.

Before dismissing the complaint, TSPA will make reasonable efforts to clarify the allegations with the complainant. Upon dismissal, TSPA 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 Salon Professional Academy will notify the parties simultaneously in writing.

Upon receipt of a Formal Complaint or if appropriate, at other points in the grievance process, TSPA must determine whether a Formal Complaint should be dismissed pursuant to the following provisions. The dismissal of a complaint is appealable to the extent allowed by this policy.

Mandatory Dismissal. The school must dismiss a Formal Complaint if the conduct alleged:

- Would not constitute Sexual Harassment as defined under Title IX even if proved;
- Did not occur within the school's program or activity.
- Did not occur against a person in the United States.

If dismissal is required, TSPA will promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties. Dismissal of a Formal Complaint does not preclude action under the TSPA code of conduct.

Permissive Dismissal. The school may dismiss a Formal Complaint if, at any time during the investigation, any of the following occurs:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint;
- The Respondent is no longer enrolled in or employed by TSPA; or
- Specific circumstances prevent TSPA from gathering evidence sufficient to reach a determination as to the Formal Complaint.

If such dismissal occurs, TSPA will promptly send written notice of the dismissal and the reasons for the dismissal simultaneously to the parties. If dismissed, TSPA will review whether the complaint should be investigated under other applicable policies or codes of conduct.

CONSOLIDATION OF FORMAL COMPLAINTS

TSPA may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against another party, where the allegations of Sexual Harassment arise out of the same facts or circumstances.

INFORMAL RESOLUTION

Following the filing of a Formal Complaint, and at any time prior to reaching a determination regarding responsibility, the Academy may facilitate an informal resolution process, including mediation, which does not involve a full investigation and adjudication. The Complainant and Respondent must voluntarily Consent in writing. The Title IX Coordinator will organize an appropriate Informal Resolution process depending on the nature of the allegations, the parties involved, and the overall circumstances. Informal Resolution will be conducted by a facilitator, who may or may not be the Title IX Coordinator. It is not necessary to pursue Informal Resolution first in order to pursue TSPA's Grievance Process. At any time prior to agreeing to a resolution, any party has the right to withdraw from the Informal Resolution process and resume the Grievance Process. Informal Resolution is unavailable to resolve allegations that an employee sexually harassed a student.

GENERAL REQUIREMENTS OF THE GRIEVANCE PROCESS

The Salon Professional Academy requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. 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 Salon Professional Academy presumes that the respondent is not responsible for the alleged sexual harassment until a determination is made at the conclusion of its grievance procedures.

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

The Salon Professional Academy will objectively evaluate all evidence that is relevant and not otherwise impermissible including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person's status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by TSPA 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 TSPA 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.

TSPA's written grievance procedures will include prompt and equitable resolution of complaints of sex-based harassment involving a student party must incorporate all of the requirements and the following:

- Written notice informing the parties of allegations, dismissals, delays, meetings, and proceedings.
- Equal opportunity for each party to have an advisor of the party's choice and to have persons other than the advisor present at any meeting or proceeding.
- Permitting, but not requiring, an institution to allow expert witnesses, as long as the determination applies equally to the parties.
- Reasonable extension of time frames on a case-by-case basis for good cause with written notice to the parties, including the reason for the delay.
- Equal opportunity to access relevant and not otherwise impermissible evidence or a written report summarizing the evidence—and if the institution provides access to an investigative report, the parties may request and then must receive access to the relevant and not otherwise impermissible evidence and to reasonable time respond to the evidence.
- TSPA will implement 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.

A live hearing, that includes:

- Allowing the decisionmaker to ask relevant and not otherwise impermissible questions during the live hearing, and
- A process enabling the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility when credibility is in dispute and relevant.
- Allowing each party to propose relevant and not otherwise impermissible questions that the party wants asked of any party or witness and have those questions asked during the live hearing by the decisionmaker or allowing an advisor for each party to ask relevant and not otherwise impermissible questions of other parties and any witnesses during the live hearing.

- Permitting, but not requiring, a live hearing. When a live hearing is provided, a recipient must allow the parties, on request, to participate from separate locations using technology and create an audio or audiovisual recording, or transcript of any live hearing and make it available to the parties for inspection and review.
- Prohibiting questions that are unclear or harassing of the party being questioned.
- Permitting a decisionmaker to weigh the credibility of a party or witness, including when a party or witness refuses to respond to relevant and permissible questions. Not permitting a decisionmaker to draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to relevant and permissible questions. .
- Simultaneously providing written notice to the parties of the determination that includes a description of the allegations, information about the policies and procedures used to evaluate the allegations, the decision maker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred, disciplinary sanctions and remedies if relevant, and information about appeal procedures.
- An opportunity to appeal a dismissal or determination based on 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 conflict of interest or bias, as well as any other bases offered equally to the parties by the recipient.

DESIGNATED ROLES IN THE GRIEVANCE PROCESS

During the grievance process, TSPA will designate individuals to serve as Advisors, if necessary, investigators, decision-makers, appeal decision-maker, and facilitator of an informal resolution.

The Complainant and Respondent will be notified in writing of the individuals assigned to the process. The Complainant or Respondent may request the removal of an individual on the grounds of personal bias or other conflict of interest by submitting a written statement to the Title IX Coordinator setting forth the basis for the request (2) Days after receiving the notice of the identity of the individual assigned. The Title IX Coordinator will determine whether to accept or deny the request. If the request is accepted, a replacement will be appointed and notice will be provided to the Complainant and Respondent. The decision of the Title IX Coordinator with regard to the request is final and is not appealable. To raise a concern involving bias or conflict of interest by the Title IX Coordinator, contact:

Sue Kolve-Feehan at 566 Theater Road Onalaska, WI 54650; (608) 783-7400; or suekolve@salonproacademy.com.

DESIGNATED ROLE REQUIREMENTS

- Title IX Coordinators, investigators, decision-makers, appeal decision-makers, and facilitators of informal resolution, and any other employees engaged in the grievance process shall adhere to the following:
- Engage in an objective evaluation of all relevant evidence – including both Inculpatory and Exculpatory Evidence.
- Refrain from making credibility determinations based on a person's status as a Complainant, Respondent, or witness.
- Be free from a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent, and disclose facts which are relevant to this issue prior to serving in a designated role in the grievance process.
- Apply a presumption that the Respondent is not responsible for the alleged conduct until a

- determination regarding responsibility is made at the conclusion of the grievance process.
- Adhere to the time frames herein for conclusion of the grievance process.
 - Apply the Preponderance of the Evidence Standard for Formal Complaints against students, employees, and all other individuals.
 - Not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

[Investigation of the Formal Complaint](#)

The Salon Professional Academy will provide for adequate, reliable, and impartial investigation of complaints. The burden is on TSPA—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sexual harassment occurred.

The Salon Professional Academy will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate 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 Salon Professional Academy will not limit the choice or presence of the advisor for the complainant or respondent or people other than the advisor of the parties' choice present during any meeting or proceeding. However, TSPA 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 Salon Professional Academy will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible. The decision maker will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

TSPA 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.

The Salon Professional Academy will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. If The Salon Professional Academy provides access to an investigative report: The Salon Professional Academy will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

The Salon Professional Academy will provide a reasonable opportunity to review and respond to the evidence or the investigative report. If The Salon Professional Academy conducts a live hearing as part of its grievance procedures, it will provide this opportunity to review the evidence in advance of the live hearing. The Salon Professional Academy may decide whether to provide this opportunity to respond prior to the live hearing, during the live hearing, or both prior to and during the live hearing. TSPA 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.

TSPA shall designate an investigator to investigate the allegations in a Formal Complaint and ensure that the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on TSPA and not on the parties. The investigator shall not restrict the ability of either party to gather and present relevant evidence, or to discuss the allegations under investigation.

During the investigation, the investigator shall:

Provide to the party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.

Provide equal opportunity for the parties to present witnesses and other Inculpatory and Exculpatory Evidence.

Conduct interviews and gather evidence. No unauthorized audio or video recording of any kind is permitted during investigation interviews/meetings.

The Parties (and their Advisors) will be provided with evidence directly related to the allegations, in electronic format or hardcopy, with at least 10 Days for the Parties to inspect, review, and respond to the evidence. The Investigator will consider the responses received from the Parties before issuing the investigative Report.

Once the investigation has concluded, create an investigative Report (hardcopy or electronic) that fairly summarizes relevant evidence. The investigative Report will be sent to the parties (and their Advisors) at least ten (10) Days prior to a Live Hearing. The parties may provide a written response to the investigative Report.

TSPA will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Formal Complaints involving employees will also be simultaneously evaluated under employee conduct policies and procedures.

ADVISORS

A party may be accompanied by an Advisor of their choice during the Grievance Process. The parties may choose Advisors from inside or outside TSPA. If the Complainant or Respondent does not have an Advisor present at the Live Hearing, TSPA will select and provide an Advisor, without fee or charge, to conduct cross-examination of witnesses on behalf of that party. A party may reject a TSPA-appointed Advisor and choose their own Advisor, but they may not proceed without an Advisor. The Complainant and Respondent may not conduct cross-examination.

Choosing an Advisor who is a witness in the Grievance Process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-Maker.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the Grievance Process. Advisors are expected to advise without disrupting proceedings. For example, Advisors should not address TSPA officials in a meeting or interview unless invited to. An Advisor may not make a presentation during any meeting or proceeding and may not speak on behalf of the party to the investigation or other Decision-Maker except during a Live Hearing, during cross-examination. If an Advisor is disruptive or otherwise fails to respect the limits of the Advisor role, the meeting or interview may be ended.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by TSPA. TSPA

may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by TSPA's privacy expectations.

Determinations of Responsibility

If a Formal Complaint is not or cannot be resolved through Informal Resolution, TSPA may conduct a Live Hearing. TSPA shall designate decision-makers (separate from the Title IX Coordinator or Investigator) to review the evidence and make a determination of responsibility based upon the Preponderance of the Evidence Standard.

Prior to a hearing, the decision-makers will review the investigation Report, file, and if applicable, the Complainant's and Respondent's written response to the investigation Report. The decision-makers will make all such evidence, subject to the parties' inspection and review, available at the hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross examination.

HEARING PROCEDURES

Procedures for a Live Hearing, if offered:

The Salon Professional Academy will conduct the live hearing with the parties physically present in the same geographic location or, at TSPA's discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking.

The Salon Professional Academy will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

The decision-makers may provide for a live hearing for any Formal Complaint including location and reasonable accommodations. Live Hearings may be conducted with all parties physically present in the same geographic location, or at the decision-maker's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.

At the request of either party, the decision-makers must provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-makers and parties to simultaneously see and hear the party or the witness answering questions.

Parties who have visual, hearing, or speech disabilities will be provided accommodations necessary to effectively participate in the hearing. Parties must submit a request for accommodations to the Title IX Coordinator at least twenty-four (24) hours prior to the hearing.

The decision-makers will conduct the hearing in a professional and orderly manner, including establishing reasonable time restrictions that will be applied equally to all parties.

Prior to the presentation of witnesses, the decision-makers may allow each party's Advisor to make an opening statement.

The decision-makers will allow each party to present witnesses to provide testimony related to the allegations within the Formal Complaint.

The decision-makers will administer an oath for each witness before the witness is permitted to answer questions. During any witness testimony, relevant evidence may also be submitted.

The decision-makers may also ask witnesses to provide testimony related to the allegations within the Formal Complaint.

Each party's Advisor(s) will be permitted to ask any witnesses (including the other party) all relevant questions and follow-up questions, including questions challenging credibility of the witness. The decision-makers may limit questioning that the decision-makers determine is cumulative.

Questions, including cross examination questions, must be conducted directly, orally, and in real time by the party's Advisor and never by a party personally.

Each party's Advisor will only be permitted to ask cross examination questions and other questions that are relevant to the allegations.

Before a witness (including the Complainant and the Respondent) answers a cross-examination or other question, the decision-makers must first determine whether the question is relevant.

If a question is not relevant, the decision-maker(s) will not allow the question and must explain any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the Complainant's prior sexual behavior are offered to prove:

- That someone other than the Respondent committed the conduct alleged by the Complainant, or
- If the questions and evidence concerns specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent.

If a party or witness does not submit to cross-examination at the live hearing, the decision makers:
Must not rely on any statement of that party or witness in reaching a determination regarding responsibility; and

Cannot draw any inference about a determination regarding responsibility based solely on the party's or witness's absence from the live hearing or refusal to answer cross examination or other questions.

After both parties have had an equal opportunity to ask relevant questions of witnesses, the decision-makers may determine that the opportunity to present witnesses has ended. At that time, the decision-makers may permit each party to make a closing statement. The decision makers may then close the hearing. An audio or audiovisual recording or transcript of any Live Hearing will be created and maintained for seven (7) years.

QUESTIONING THE PARTIES AND WITNESSES

The Salon Professional Academy will provide a process that enables the decision maker 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.

When The Salon Professional Academy chooses not to conduct a live hearing: TSPA'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.

When The Salon Professional Academy chooses to conduct a live hearing: TSPA'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 decisionmaker to ask such questions, and either allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decision maker, subject to the procedures for evaluating and limiting questions.

TSPA may permit , but is not required, to allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally.

If The Salon Professional Academy permits advisor-conducted questioning and a party does not have an advisor to ask questions on their behalf, The Salon Professional Academy will provide the party with an advisor of TSPA's choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, The Salon Professional Academy will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.

Procedures for the decision maker 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 decision maker 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 decision maker 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 decision maker 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, The Salon Professional Academy will use the preponderance of the evidence or, if applicable, 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.

WRITTEN NOTIFICATION OF EVALUATION AND DETERMINATION

TSPA will 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 Salon Professional Academy used to evaluate the allegations;
- The decision-maker'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 Salon Professional Academy will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by The Salon Professional Academy to the complainant, and, to the extent appropriate, other students identified by The Salon Professional Academy to be experiencing the effects of the sex-based harassment; and
- TSPA's procedures and permissible bases for the complainant and respondent to appeal
- The Salon Professional Academy will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will:
 - Coordinate the provision and implementation of remedies to a complainant and other people The Salon Professional Academy identifies as having had equal access to TSPA'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 TSPA'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 sexual harassment occurred.

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

The decision-makers must conduct an objective evaluation of all relevant evidence (including both Inculpatory and Exculpatory Evidence) and must make credibility determinations that are not based on the person's status as Complainant, Respondent, or witness.

The decision-makers will render a decision based upon the investigation Report, file, response submitted by the Complainant and/or Respondent, evidence at the hearing, and any other information the decision makers may deem appropriate (and allowable under Title IX) and which is made available to both the Complainant and Respondent. While the Title IX Coordinator is available for consultation, the Title IX Coordinator will not participate in making a decision.

The decision-makers will use a Preponderance of the Evidence Standard in making a determination whether a violation of this policy has occurred.

The written determination must include:

Identification of the allegations potentially constituting Sexual Harassment;

A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;

Findings of fact supporting the determination;

Conclusions regarding the application of TSPA code of conduct to the facts;

A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions TSPA imposes on the Respondent, and whether remedies designed to restore or preserve equal access to TSPA Education Program or Activity will be provided by the school to the Complainant; and TSPA's procedures and permissible bases for the Complainant and Respondent to appeal.

If the decision is made that there is not sufficient basis to believe that it is more likely than not that the Respondent violated this policy, the Complainant and Respondent will be notified of that determination and informed of other resources that may be available.

If the decision is made that it is more likely than not that the Respondent violated this policy, the decision-makers or the decision-makers' designee shall determine appropriate sanction(s), except as provided below with respect to employees. The determination will include steps to take to prevent recurrence of any such violations, and as appropriate, remedies for the Complainant.

Disciplinary actions will be determined on a case-by-case basis. Factors considered when determining Sanctions may include but are not limited to:

Nature, severity of, and circumstances surrounding the violations(s);

Respondent's disciplinary history;

Previous allegations or allegations involving similar conduct;

Need for disciplinary action to bring an end/prevent future recurrence of the violation;

Need for disciplinary action to remedy the effects on the Complainant and TSPA community;

Impact on the parties;

Any other information deemed relevant by the decision-makers.

APPEALS

The Salon Professional Academy will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or decision maker 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 Salon Professional Academy will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decision maker 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 Salon Professional Academy will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result. Any additional procedures or bases for appeal The Salon Professional Academy offers will be equally available to all parties.

INFORMAL RESOLUTION, IF OFFERED:

In lieu of resolving a complaint through TSPA's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. The Salon Professional Academy will inform the parties in writing of any informal resolution process it offers and determines is appropriate, if any.

The Salon Professional Academy 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 Salon Professional Academy 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 Salon Professional Academy will maintain and whether and how The Salon Professional Academy could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

The Salon Professional Academy does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of any student or coworker, or when such a process would conflict with Federal, State, or local law.

Informal resolution is only permitted if a formal complaint alleging sexual harassment has been filed.

DISCIPLINARY SANCTIONS AND REMEDIES:

Following a determination that sex-based harassment occurred, The Salon Professional Academy may impose disciplinary sanctions to student and employee respondents and or remedies to complainants which may include but are not limited to the following.

SANCTIONS FOR STUDENT RESPONDENTS

Sanctions imposed upon students who are determined to have violated this policy may include a variety of institutional responses or requirements, including, but not limited to, the following: warning, restriction on contact, removal from campus, required attendance at educational programs, required assessment or counseling, restriction of privileges, probation, suspension and/ or expulsion, and any other sanctions listed in the Code of Student Conduct or deemed appropriate under the circumstances. Sanctions will be placed in a student's permanent academic file. Failure to abide by imposed Sanctions (whether by refusal, neglect or any other reason), may result in additional disciplinary action, including suspension or expulsion.

SANCTIONS FOR EMPLOYEE RESPONDENTS

Appropriate sanctions for faculty, staff, or administrators deemed to have violated this policy include, but are not limited to a disciplinary warning, unpaid suspensions, and/or termination of employment, or any other available sanctions as specified by the Personnel Policies Handbook. Sanctions will be placed in an employee's personnel file. Employees are also subject to processes and discipline determined by the Owner/Director and/or The Director of Education. . The HR process is separate and apart from the Title IX Process and not constrained by the outcome of the Title IX process. Failure to abide by imposed Disciplinary Actions (whether by refusal, neglect or any other reason), may result in additional Disciplinary Action, including suspension or termination.

REMEDIES TO BENEFIT COMPLAINANTS

If a determination was made that the Respondent was responsible for Title IX Sexual Harassment, TSPA may provide the Complainant with remedies designed to restore or preserve equal access to the Academy's Education Program or Activity, including providing a safe educational or working environment. Remedies are determined on a case-by-case basis.

Such remedies may include the continuation or addition of "Supportive Measures." Remedies need not be non-disciplinary or non-punitive and need not avoid burdening the Respondent.

APPEALS

The determination of the decision-makers may be appealed. The request for an appeal must be submitted in writing to the Title IX Coordinator within five (5) business Days of receiving the written determination.

If an appeal is filed, the determination regarding responsibility becomes final on the date that TSPA provides the parties with the written determination of the result of the appeal. Failure to file a timely appeal constitutes a waiver of any right to an appeal. If an appeal is not filed, the determination regarding responsibility becomes final on the sixth business Day after receiving the written determination.

Both parties have the right to appeal a determination regarding responsibility, TSPA's dismissal of a Formal Complaint or any allegations therein if procedural irregularity affected the outcome of the matter;

New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made that could affect the outcome of the matter; and/or

The Title IX Coordinator, investigators, or decision-makers had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.

UPON APPEAL

The decision maker must notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;

Give both parties five (5) Days (which may be extended for good cause) to submit a written statement in support of, or challenging, the outcome;

Issue a written decision describing the result of the appeal and the rationale for the result; and provide the written decision simultaneously to both parties.

If the appeal decision-maker determines one of the above basis for an appeal is satisfied, the matter may be returned for further review of the investigation Report by new decision-makers. If the basis for appeal related to the investigation, or warrant additional investigation, the new decision-makers may refer the matter to for further investigation before proceeding. The new decision-makers shall utilize the same process as required for all Formal Complaints under this Policy.

If there is not adequate reason to believe that one or more grounds for appeal has been satisfied, the appeal decision-maker may dismiss the appeal. This decision is final and is not appealable.

The appeal decision-maker will provide a written determination to the parties within ten (10) Business Days of the filing of the appeal.

TIMEFRAME FOR DETERMINATION

Generally, the grievance process consists of a Formal Complaint, investigation, Live Hearing, determination, Sanctions, Remedies and appeal (if applicable). The grievance process, barring extenuating circumstances, will conclude within ninety (90) Days from the date the Formal Complaint is received. The parties may agree to an extension of the 90-Day timeframe to complete the grievance process or extend this timeline for good cause, as permissible by law.

RETALIATION PROHIBITED

Both Title IX and the Clery Act provide protections for individuals who bring allegations of non-compliance with the Clery Act and/or Title IX to the attention of appropriate campus administrators. Retaliation (including intimidation, threats, coercion or discrimination) against an individual for raising an allegation of Sexual Harassment, for cooperating in the grievance process is prohibited.

TSPA does not retaliate against those who raise concerns of non-compliance. Any concerns should be brought to the immediate attention of the Title IX Coordinator.

TSPA prohibits retaliation, including peer retaliation, and must respond to conduct that reasonably may constitute retaliation using the same procedures it uses for other forms of sex discrimination..

RECORDKEEPING

TSPA shall maintain for a period of seven years, records of each Sexual Harassment investigation, including any determination regarding responsibility, any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve access to the Academy's Education Program or Activity; any appeal and the result therefrom;

Informal resolution and the result therefrom; and all materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process with regard to Sexual Harassment.

The Academy shall create and maintain for a period of seven years, records of any actions, including any Supportive Measures, taken in response to a Report or Formal Complaint of Sexual Harassment.

With respect to each response, TSPA shall document the basis for its conclusion that its response was not deliberately indifferent, and document that it took measures designed to restore or preserve access to the school's Educational Program or Activity. The documentation of certain bases or measures does not limit the school in the future from providing additional explanations or detailing additional measures taken.

Privacy of the records specific to the investigation is maintained in accordance with state law and the federal FERPA statute. Any public release of information needed to comply with the timely warning provisions of the Clery Act will not include the names of Complainant or information that could easily lead to a Complainant's identification. Irrespective of state law or public records access provisions, information about Complainants is maintained privately in accordance with Title IX and FERPA.

TRAINING

The School shall ensure that the following training is provided:

Title IX Coordinators, investigators, decision-makers, appeal decision-makers, and any person who facilitates an informal resolution process shall receive training on the definition of Sexual Harassment under Title IX, the scope of The Salon Professional Academy's Education Program or Activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

The Salon Professional Academy shall ensure investigators receive training on how to create an investigative Report that fairly summarizes relevant evidence.

The Salon Professional Academy shall ensure decision-makers receive training on issues of relevance of questions and evidence, including questions and evidence about a Complainant's prior sexual behavior. Decision-makers shall also receive training on any technology to be used at a live hearing.

Informal Resolution facilitators will receive training on the informal resolution process.

Any materials used to train Title IX Coordinators, investigators, decision-makers, appeal decision-makers, and facilitators of informal resolutions may not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

All materials used for mandatory training are posted on The Salon Professional Academy's website <https://salonproacademy.com> under the program disclosures tab.

ADDITIONAL INFORMATION

The Clery Act

TSPA administrators will issue timely warnings for incidents reported that pose a substantial threat of bodily harm or danger to other members of the campus community. TSPA will make every effort to ensure

that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. TSPA reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

Personally identifiable information for victims of Sexual Assault, Dating Violence, Domestic Violence and Stalking will not be included in any publicly available recordkeeping, including Clery Act Reporting and disclosures such as the ASR. The school policy on the Clery Act can be found here:

<https://salonproacademy.com>

OFFICE OF CIVIL RIGHTS

Students and employees may contact the Title IX Coordinator with any questions related to this policy. In addition, the U.S. Department of Education Office for Civil Rights ("OCR") investigates complaints of unlawful harassment of students in Educational Programs or Activities. This agency may serve as a neutral fact finder and will attempt to facilitate the voluntary resolution of disputes with the Parties. For more information, visit the OCR website at <http://www.hhs.gov/ocr/>. To the extent that an employee or contract worker is not satisfied with TSPA's handling of a complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

The Salon Professional Academy complies with Title IX and the final regulations however, in the event of a conflict with State law or FERPA, Title IX and the final regulations do not override any legal right of a parent, guardian, or other authorized legal representative to act on behalf of a complainant, respondent, or other person.

SEXUAL VIOLENCE –Immediate Care and Preservation of Evidence

If you experience Sexual Violence, some or all of these safety suggestions may guide you after an incident has occurred:

1. Go to a safe place. If there is any immediate danger, call 911.
2. Consider securing immediate professional support (e.g., counseling, victim advocacy, medical services, etc.) to assist you. TSPA does not have a confidential counselor but local resources are available that can provide confidential assistance. See the "If you Experience Sexual Violence" section of the ASR for more information.
3. For your safety and well-being, immediate medical attention is encouraged. Further, being examined (through a forensic examination) as soon as possible, ideally within 120 hours, is important in the case of rape or Sexual Assault. Completing a forensic examination does not require someone to file a police Report. To find a location near you that performs free forensic examinations, call the National Sexual Assault Hotline at (800) 656-4673. Resources are also available through the Rape Abuse & Incest National Network (RAINN); www.RAINN.org.

To preserve evidence, it is recommended that you do not bathe, shower, douche, eat, drink, smoke, brush your teeth, urinate, defecate, or change clothes before receiving medical attention. Even if you have already taken any of these actions, you are still encouraged to have prompt medical care, and evidence may still be recoverable.

Typically, if police are involved or will be involved, they will obtain evidence from the scene, and it is best to leave things undisturbed until their arrival. They will gather bedding, linens or unlaundered clothing, and any other pertinent items that may be used for evidence. It is best to allow police to secure items in evidence containers, but if you are involved in transmission of items of evidence, such as to the hospital, secure them in a clean paper bag or clean bed sheet to avoid contamination.

If you have physical injuries, photograph or have them photographed, with a date stamp on the photo.

Record the names of any witnesses and their contact information. This information may be helpful as proof of a crime, to obtain an order of protection, or to offer proof of a TSPA policy violation.

Try to memorize details (e.g., physical description, names, license plate number, car description, etc.), or even better, write notes to remind you of details, if you have time and the ability to do so.

PREVENTION AND EDUCATION

In accordance with the Clery Act and VAWA, TSPA offers a range of strategies to promote awareness, education, risk reduction, and prevention in an effort to reduce the frequency of sex or gender-based discrimination, harassment, and violence amongst members of the campus community.

TSPA offers resources to identify and prevent Sexual Assault, Dating Violence, Domestic Violence (including stranger and known offender assaults), and Stalking each year. Resources are offered to raise awareness for all incoming students and employees and are often conducted during new student and new employee orientation.

Resources offered throughout the year to students and employees include information regarding awareness and primary prevention and discuss TSPA's policies. Resources provided also offer information on risk reduction that strives to empower individuals who experience these incidents, how to recognize warning signs, and how to avoid potential attacks, and do so without biased approaches.

Bystander engagement is encouraged through safe and positive intervention techniques and by empowering third-party intervention and prevention such as calling for help, using intervention based apps, identifying allies, and/or creating distractions. Bystander empowerment resources highlight the need for those who intervene to ensure their own safety in the intervention techniques they choose and motivates them to intervene as stakeholders in the safety of the TSPA community when others might choose to be bystanders.