

**College of Hair Design – Main Campus**

304 South 11th Street

Lincoln, NE 68508

**College of Hair Design –East Campus**

**Satellite Location of CHD Main Campus**

9000 Andermatt Drive

Lincoln, NE 68526

**Title IX Coordinator:**

Shawn Howard, Associate School Director

9000 Andermatt Dr

Lincoln, NE 68526

402-323-3340 Email: [shawn@collegeofhairdesign.com](mailto:shawn@collegeofhairdesign.com)

***Title IX Policy – Anti-Harassment and Discrimination Policy  
for Students & Employees of Both College of Hair Design Campuses***

**Sexual Harassment/Sexual Violence**

All student grievances related to sexual harassment or sexual violence allegations should be reported to the Title IX Coordinator and are handled in compliance with the Anti-Harassment and Discrimination (Title IX) Policy below.

***Title IX Policy - Anti-Harassment and Discrimination Policy for Students and Employees***

Title IX and its implementing federal regulations prohibit discrimination on the basis of sex in its programs and activities. The College is committed to maintaining a work and school environment free from unlawful discrimination or harassment. In accordance with Title IX of the Education Amendments of 1972, the College prohibits discrimination based on sex, which includes sexual harassment and sexual violence. The College of Hair Design has jurisdiction over Title IX complaints.

College of Hair Design's anti-harassment policy applies to all persons involved in the operation at the College, and prohibits unlawful harassment by any employee of the College, as well as students, customers, vendors or anyone who does business with the College. It further extends to prohibit unlawful harassment by or against students. Any employee, student or contract worker who violates this policy will be subject to disciplinary action. To the extent a customer, vendor or other person with whom the College does business engages in unlawful harassment or discrimination, the College will take appropriate corrective action.

As part of College of Hair Design's commitment to providing a harassment-free working and learning environment, this policy shall be disseminated to the College of Hair Design community through publications, the College website, new employee orientations, student orientations, and other appropriate channels of communication. The College provides training to key staff members to enable the College to handle any allegations of sexual harassment or sexual violence promptly and effectively. The College will respond quickly to all reports, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

**Sexual harassment** is defined as unwelcome advances, requests for sexual favors, other verbal or physical sexual conduct, or any other offensive unequal treatment of an employee, student, or group of employees or students that would not occur except for their sex when:

- The advances, requests or conduct have the effect of interfering with performance of duties or studies or creating an intimidating, hostile, or otherwise offensive work or academic environment.
- Submission to such advances, requests or conduct is explicitly or implicitly a term or condition of an individual's employment or academic achievement or advancement.

- Submission to or rejection of such advances, requests or conduct is used as a basis for employment or academic decisions.

**Sexual Harassment** is a violation of Section 703 of Title VII of the Civil Rights Act of 1964 as amended in 1972, (42 U.S.C. S2000e, et. seq.), and Title IX of the Education Amendments of 1972 (20 U.S.C. 1691, et. seq.) and is punishable under both federal and state laws. Forms of sexual harassment include, but are not limited to, sexist remarks or behavior, constant offensive joking, sexual looks or advances, repeated requests for dates, unwelcome touching, and promise of reward for sexual favors. Students, faculty or staff who experience sexual harassment should be encouraged to make it clear to the alleged offender that such behavior is offensive. However, failure to comply with this provision does not defeat the College's investigation of the allegation.

**Sexual violence** means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. A number of acts fall into the category, including sexual assault or harassment based on sexual orientation, domestic violence, dating violence, and stalking. Alleged sexual violence against another may also constitute a crime resulting in an additional, independent law enforcement investigation falling outside of this Grievance Policy. These acts will not be tolerated at the College as such acts are inappropriate and create an environment contrary to the goals and mission of the College. Any such acts will be thoroughly investigated and will subject an individual to appropriate disciplinary sanctions and/or possible action by appropriate law enforcement agencies.

**Sexual assault** includes rape, acquaintance rape, fondling, incest, and statutory rape, as well as other forms of nonconsensual sexual activity.

**Domestic violence** means a felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or any other person against an adult or youth victim who is protected from that person's act under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**Dating violence** means a violence act committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on the reporting party's statement and with 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. Dating violence includes, but is not limited to; sexual or physical abuse or threat of such abuse and dating violence does not include acts covered under the definition of domestic violence.

**Stalking** means engaging in a course of conduct (two or more acts including but not limited to acts in which the stalker directly, indirectly, or through third parties, or by any action, method, device or means, follows, monitors observes, surveils, threatens or communicates to or about a person or interferes with his or her property that is directed at a specific person and would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. Reasonable persons means a reasonable person under similar circumstances and with similar identities to the victim. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

**Consent** means voluntary agreement to engage in sexual activity by verbal agreement or active and willing participation in sexual activity. Someone who is incapacitated or under the age of consent, under state law cannot consent. Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent may be withdrawn at any time. Coercion, force, or threat of either invalidates consent.

### ***Prohibited Conduct***

This policy strictly prohibits sexual or other unlawful harassment or discrimination as well as sexual violence, as defined above. Sexual or other unlawful harassment or discrimination includes any verbal, physical or visual conduct based on sex, race, age, national origin, disability or any other legally protected basis if:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;
- submission to or rejection of such conduct by an individual is used as a basis for decisions concerning that individual's education or employment; or
- It creates a hostile or offensive work environment, which means the alleged conduct is sufficiently serious to limit or deny a student's or ability to participate or benefit from the student's education program.

Unlawful harassment or discrimination may include racial epithets, slurs and derogatory remarks, stereotypes, jokes, posters or cartoons based on race, national origin, age, disability, marital status or other legally protected categories.

Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex, and may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", practical jokes, jokes about or displays of obscene printed or visual material, questions about sexual fantasies, preferences or history, and physical contact such as patting, pinching, or intentionally brushing against another person's body. Gender-based harassment, including acts of verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping are strictly prohibited, even if those acts do not involve conduct of a sexual nature.

### ***Complaint/Grievance Procedure***

If you believe that you have experienced or witnessed harassment or sexual violence, notify your instructor, supervisor, Human Resources, or the Title IX Coordinator as soon as possible after the incident. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation. No employee, contract worker, student, vendor or other person who does business with the College is exempt from the prohibitions in this policy. Supervisors will refer all harassment complaints to the Title IX Coordinator for student-related complaints and to the Human Resources Department if the complaint involves an employee. In order to facilitate the investigation, your complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses.

All complaints involving a student will be referred to the campus's Title IX Coordinator. The Title IX Coordinator is listed below and has the responsibility of overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

Title IX Coordinator:

Shawn Howard, Associate School Director

9000 Andermatt Dr

Lincoln, NE 68526

402-323-3340 Email: shawn@collegeofhairdesign.com

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

### ***Investigation of Complaints***

In response to all complaints, the College promises prompt and equitable resolution through a reliable and impartial investigation of complaints, including the opportunity for both parties to present witnesses or other evidence. The time

necessary to conduct an investigation will vary based on complexity but will generally be completed within sixty (60) days of receipt of the complaint. The College shall maintain confidentiality for all parties to the extent possible, but absolute confidentiality cannot be guaranteed. In cases where a student does not give consent for an investigation, the College will weigh the student's request for confidentiality against the impact on College safety to determine whether an investigation must proceed. Complainants should be aware that in a formal investigation due process generally requires that the identity of the charging party and the substance of the complaint be revealed to the person charged with the alleged harassment.

The preponderance of the evidence standard will apply to investigations, meaning the College will evaluate whether it is more likely than not that the alleged conduct occurred. Both parties will receive written notice of the outcome of the complaint.

During the investigation, the College will provide interim measures, as necessary, to protect the safety and wellbeing of students and/or employees involved.

If the College determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action will be taken in accordance with the circumstances involved, and the College will take steps to prevent the recurrence of any harassment or discrimination. Any employee determined by the College to be responsible for unlawful harassment or discrimination will be subject to appropriate disciplinary action, up to and including termination. Remedies for student-related claims may include, but are not limited to, an order to stay away, suspension or expulsion.

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

**Retaliation:** The College will not retaliate against you for filing a complaint, and will not tolerate retaliation by students or employees. If you believe you have been retaliated against, you should promptly notify your supervisor, Human Resources or the Title IX Coordinator.

**Right of Appeal and Review of Disciplinary Proceedings:** The College's Title IX Director/Coordinator will not make a determination on or review a disciplinary proceeding's factual findings, conclusions, or imposed penalty. Any appeal rights in that regard which may exist are referenced in applicable student, faculty and staff policies and procedures. If a complainant wishes to appeal the decisions of an Assistant Title IX Director/Coordinator regarding remedial measures, s/he may make a written appeal to the College's Title IX Director/Coordinator according to the Title IX grievance procedures.

### ***Education and Training***

As part of the College's commitment to providing a harassment-free working and learning environment, this policy will be disseminated to the CHD community through publications and other appropriate channels of communication and to the students at orientation and to the staff upon hire. Students and employees are required to take the College's mandatory Sexual Harassment and Prevention training upon starting with the College and every year thereafter. The College's Title IX Director/Coordinator will assure that all College employees receive training within 30 days of the beginning of their employment. Additionally, the College will provide training to key staff members to enable the College to handle any allegations of sexual harassment or violence promptly and effectively. Students will receive training regarding sexual harassment and sexual misconduct through educational programs to be provided annually and on an ongoing basis.

### ***Disability Accommodation Policy***

The College of Hair Design does not discriminate in admission or access to our programs on the basis of age, race, ethnicity, sex, disability, sexual orientation, gender identity, national origin or any other category protected by federal, state or local law. If you would like to request academic adjustment or auxiliary aids, please contact CHD's ADA Compliance Coordinator.

You may request academic adjustments or auxiliary aids at any time. The ADA Compliance Coordinator is responsible for coordinating compliance with Section 504 of the Rehabilitation Act of 1973 and Title III of the Americans with Disabilities Act of 1990. Applicants, who are persons with disabilities, as defined in paragraph 104.3(j) of the regulation under Section 504 of the Rehabilitation Act of 1973, may apply for admittance into the program.

Any qualified individual with a disability requesting an accommodation or auxiliary aid or service should follow this procedure:

- 1) Notify the ADA Compliance Coordinator in writing of the type of accommodation needed, date needed, documentation of the nature and extent of the disability, and of the need for the accommodation or auxiliary aid. The request should be made at least four weeks in advance of the date needed.

ADA Compliance Coordinator/Director: Shawn Howard, 9000 Andermatt Dr. Lincoln, Ne 68526  
shawn@collegeofhairdesign.com

- 2) The ADA Compliance Coordinator/Director will respond within two weeks of receiving the request.
- 3) If you would like to appeal the decision regarding your request, please follow the steps below in the Section 504 Internal Grievance Procedure Policy. Appeals must be submitted within 15 days of receiving the ADA Compliance Coordinator's decision.

#### **SECTION 504 INTERNAL GRIEVANCE PROCEEDURE**

It is CHD's policy not to discriminate on the basis of disability. The College has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794).

Section 504 prohibits discrimination on the basis of disability in any program or activity receiving Federal financial assistance. The Law and Regulations may be examined in the office of Shawn Howard, who has been designated to coordinate the efforts of the College to comply with Section 504. The ADA Compliance Coordinator/Director can be contacted by phone number at (402) 488-7007 or by email at Shawn@collegeofhairdesign.com

Any person who believes she/he has been subjected to discrimination on the basis of disability may file a grievance pursuant to the procedure outlined below. The College will not retaliate against anyone who files a grievance in good faith or cooperates in the investigation of a grievance.

#### **Procedure:**

Grievances must be submitted to Liam Burke, the Section 504 Grievance Compliance Coordinator, within fifteen (15) days of the date the person filing the grievance becomes aware of the alleged discriminatory action.

A complaint must be in writing, containing the name and address of the person filing it. The complaint must state the problem or action alleged to be discriminatory and the remedy or relief sought.

The Section 504 Grievance Compliance Coordinator (or designee) shall investigate the complaint (i.e., identify and obtain relevant evidence, identify and obtain statements from relevant witnesses) and afford all interested persons an opportunity to submit relevant evidence. The Complainant may also present witnesses relative to the complaint. The Section 504 Grievance Compliance Coordinator will maintain the files and records relating to such grievances. The Section 504 Grievance Compliance Coordinator will issue a written decision on the grievance no later than 30 days after its filing.

The availability and use of this grievance procedure does not prevent a person from filing a complaint of discrimination on the basis of disability with the U. S. Department of Education, Office for Civil Rights.

The College will take all steps to prevent recurrence of any harassment or other discrimination and to correct discriminatory effects where appropriate. The College will make appropriate arrangements to ensure that disabled persons are provided other accommodations, if needed, to participate in this grievance process. The Section 504 Compliance Coordinator will be responsible for such arrangements.