

COMPLAINTS, INVESTIGATIONS & DISCIPLINARY ACTION

Josef's School of Hair, Skin & Body (sometimes referred to as "Josef's" in this policy) is committed to maintaining a healthy working and learning environment. All complaints and concerns are taken seriously. This policy is intended to resolve any issues brought forth by students, employees or others professionally and appropriately.

Complaints Involving Sexual Violence

If a student or employee believes they have been subjected to conduct in violation of Equal Opportunity Policies or Student Behavioral policies or law by anyone in connection with your enrollment (an employee, fellow student or guest), the student or employee is urged to notify Josef's Title IX Coordinator immediately. The first priorities are to get to a place of safety, preserve evidence and obtain any necessary medical treatment. See Josef's Sex Discrimination & Sexual Harassment Program & Policy --Reporting/Confidentiality and School Referrals for more directives.

Grievance Process (Regarding Complaints Involving Sexual Violence)

- Complaints of a violation of this policy to Josef's will be processed either according to the following resolution process for a complaint involving sexual violence or the formal or informal resolution process for incidents that do not involve sexual violence. The Title IX Coordinator will make a determination of whether Josef's will move forward with which complaint resolution process
- All complaints are taken seriously. Complaints should be in writing, signed by the complainant, and provide a detailed description of the issue. A list of witnesses should also be included when describing an event. The complainant is encouraged to submit the written complaint to the Title IX Coordinator but may bring complaints to any Josef's staff with whom they feel most comfortable with as all of Josef's staff receives sexual harassment training.
- The Title IX Coordinator will meet with the complainant within 21 days of the receipt of the written complaint (or as reasonably prompt as can be) to discuss the allegations. Josef's will document the meeting in writing. The complainant will be provided with a copy of the written record at the time of the meeting.
- The Title IX Coordinator will advise the trained Title IX Investigator of the complaint who will objectively investigate all reports of sexual harassment.
- If more information is needed from the complainant, a written request will be made. The complainant is expected to cooperate fully with an investigation of inappropriate conduct or action.
- All parties will be given written notice of the allegations, an opportunity to select an advisor and an opportunity to submit and review evidence throughout the investigation. Cross-examination of the parties will be conducted by advisors, including legal counsel, but not the parties themselves. If a party does not have an advisor present, one will be provided at no cost.
- All parties will be provided at least ten days to inspect, review, and respond to all evidence directly related to the allegations prior to the completion of the investigative report.
- A presumption of innocence will be given to the respondent during the grievance process and utilize either a preponderance of the evidence or a clear and convincing evidence standard in making findings. Josef's will use the same standard for all formal complaints of sexual harassment.
- The Title IX complaint process may be conducted virtually and staff is trained on relevant technology to conduct remote investigations and hearings. Live hearings will be recorded, by transcript or audio visually, and will be made available to parties and maintained in school records for at least seven years.
- The burden of proof and the burden of gathering evidence will be on the institution, not the parties.
- The Investigator is a different person than the Final Decision Maker in a sexual violence complaint.
- A written determination with an analysis as to how the conclusion was reached will be forwarded to the Final Decision Maker and both parties. Both parties shall have the opportunity to provide a written statement containing comments or additional information they would like the Final Decision Maker to consider. The written statement must be submitted within ten calendar days after the investigation file was made available to them. A rebuttal statement by either party may be submitted within five calendar days after they had received the other party's initial written statement.
- Formal complaints of sexual violence will be dismissed if the complainant informs the Title IX Coordinator in writing that they desire to withdraw the complaint, if the respondent is no longer enrolled or employed by the institution or if specific circumstances prevent the institution from gathering evidence sufficient to reach a determination in a formal complaint. Further, if the conduct alleged would not constitute sexual harassment under Title IX if proved, did not occur as part of an education program or activity, Josef's must dismiss the formal complaint for the purposes of sexual harassment under Title IX, but the dismissal does not preclude Josef's from taking action under its code of conduct or policies.

Complaints Not Involving Sexual Violence

The Title IX Coordinator will meet with the complainant within ten days of the receipt of a written complaint. Josef's will document the meeting in writing. The complainant will be provided with a copy of the written record at the time of the meeting. If after careful evaluation, the problem cannot be resolved through discussion, the complaint will be referred to Josef's Complaint Committee (President, School Director and any other appropriate administrative staff member) who will meet within 21 calendar days of the receipt of the complaint to discuss the allegations. If more information is needed from the complainant, a written request will be made. The complainant(s) are expected to cooperate fully with any investigation of inappropriate conduct or action. If no further information is needed, the Complaint Committee will act on the allegations and a letter will be sent to the complainant within 15 calendar days stating the steps taken to correct the problem, or information to show that the allegations were not warranted or based on fact.

Disciplinary Action by Josef's School of Hair, Skin & Body

Skills can be taught, rules can be written, but a person's attitude and self discipline must be developed within themselves. This policy is intended to maintain a healthy working and learning environment, enabling students and employees to learn what their expectations are to enjoy a positive experience at Josef's.

Josef's School of Hair, Skin & Body reviews every incident of misconduct upon its own merits and unique facts and circumstances. Generally, factors considered could be the history of known prior misconduct; severity of the misconduct; the harm or risk posed by the misconduct; acceptance of responsibility for their actions, and the impact upon others.

Josef's School of Hair, Skin & Body retains full discretion to determine what discipline (up to and including termination) is warranted; misconduct relating to the Sexual Discrimination and Sexual Harassment Policy will also be factored into the disciplinary action.

Josef's School of Hair Design does not provide students with progressive discipline. Also, the levels of disciplinary action listed below are not exclusive, and the school may apply other types of discipline specific to the situation.

- **Verbal Warning.** Generally, for misconduct moderate in nature; where no prior misconduct is known. A verbal warning memorandum will be placed in the student's file.
- **Written Warning.** Generally, for prior misconduct or the misconduct is serious in nature. A written warning memorandum will be placed in the student's file.
- **One to Multiple Days of Suspension.** Generally, for repeated acts of prior misconduct or the misconduct is considered severe in nature.
- **Termination.** Generally, for repeated acts of prior misconduct or the misconduct is severe in nature. Certain types of misconduct are so severe, termination will be upon a first offense.

Any conduct that falls below our standards of conduct or breaches a policy is subject to disciplinary action. The following list of misconduct will likely result in disciplinary action of one form or another. This list does not limit Josef's from disciplining students and employees for conduct for other circumstances which may fall below our standards.

- Conduct towards students, employees or guests that demeans, harasses, or discriminates against that person on the basis of race, color, national origin, ethnic origin, religion, disability, gender, sex, sexual orientation, gender identity, or any protected class.
- Sexual, abusive, bullying, profane or other offensive statements or conduct towards a fellow student, employee or guest.
- Sexual assault (forcible & non-forcible) dating and relationship violence, stalking
- Refusal to follow reasonable directions from a staff member or other subordination
- Chronic or excessive tardiness or absences
- Theft or destruction of property belonging to Josef's, its employees, students or guests.
- Acts or threats of violence on Josef's property towards a fellow student, staff member or guest.
- Violation of Drug and Alcohol-Free Standards Policy
- Possession of alcohol, illegal drugs, firearms, weapons, explosives or other unlawful or dangerous materials or items on Josef's property.
- Cheating, copying or photographing testing materials
- Disrupting the learning environment
- Refusing a client
- Violating our attendance policy (not clocking in and out properly, asking another student to do it for you).
- Any other actions in violation of Josef's policies including any acts in violation of applicable, federal, state and local law or accreditation (NACCAS) standards.

Notice of Outcome

The parties shall receive a simultaneous written notice of the outcome of the complaint, to include the determination of Josef's; where a violation is deemed to have occurred in the respondent's notice, any imposition of sanctions and in the complainant's notice, any imposition of sanctions that directly relates to the complainant, any other steps Josef's has taken to eliminate the conduct and prevent its recurrence; and, in the complainant's notice, remedies offered provided to the complainant. Every attempt will be made to complete the process and provide the notice of outcome within 25 business days of the completion of the investigation. In some cases, more time may be required.

External Grievance & Complaint Procedures

If a complainant wishes to file a grievance against Josef's because they believe Josef's has done an inadequate job in addressing and/or resolving the complainant may contact;

The ND Board of Cosmetology. Link to the Board's forms page on their website, <https://www.ndcosmetology.com/forms.aspx>. Completed complaint forms can be mailed to 4719 Shelburne St, St 1, Bismarck, ND 58503 or emailed to bocinfo@nd.gov. 701-224-9800.

ND State Board for Career and Technical Education (NDCTE). Link to the NDCTE's complaint procedure is https://www.cte.nd.gov/sites/www/files/documents/PrivatePS/NDSBCTE_Student_Complaint_Procedure.pdf. Complaints are to be mailed to Department 270, 600 East Boulevard Ave, Bismarck, ND 58505. 701-328-3180.

National Accrediting Commission for Career Arts & Sciences (NACCAS), a complaint form is available (contact information below). However, NACCAS requires evidence that all attempts to resolve the issue with the school have been exhausted to prior to filing a complaint. National Accrediting Commission for Career Arts & Sciences (NACCAS), 3015 Colvin Street, Alexandria, VA 22314. www.naccas.org. 703-600-7600.

Anti-Retaliation Policy

Josef's School of Hair, Skin & Body will not retaliate against anyone filing a good-faith complaint or for participating in good faith in an investigation of alleged misconduct. The school will not tolerate retaliation by others against the complainant as well. An employee or student who retaliates will be subject to disciplinary action, up to and including termination from school or employment. Anyone who feels he/she has been subject to retaliation in violation of this policy shall report the matter immediately to the Title IX Coordinator.

Student Appeals

If a student disagrees with a final decision or disciplinary action issued by Josef's School of Hair, Skin & Body, a student may seek a review by contacting the Title IX Coordinator, submitting a written statement indicating reasons why you disagree, and any other information you would like the school to consider. If the appeal is for a disciplinary action, the appeal must be filed within 14 calendar days from the date of the disciplinary action decision. An appeal may be made for one or more of the following grounds only: (1) an error occurred that if corrected, may change the outcome of the investigation; or (2) new information has come forth that was not available or known to the student at the time of the investigation which may change the outcome of the decision. Information that was known or available to the student during the investigation will not be considered. The Decision Maker will impartially review the appeal and send a written determination within 30 calendar days of receipt of the appeal. However, this timeframe may take longer in certain cases and the student will be informed of this.

STUDENTS RIGHT TO KNOW POLICY

All criminal activity and accidents that occur on the school premises must be reported to school administration who must keep a confidential file on the circumstances surrounding each incident. The information must be made available to employees and students although personal information will remain confidential. Statistics regarding the incidence of rape, burglary, larceny, drug violations, motor vehicle theft, murder, rape, simple or aggravated assaults that occurred within the school will be available to students and employees upon request. Statistics concerning the number of arrests on school premises for murder, forcible and non-forcible sex offenses, robbery, aggravated assault, burglary, larceny, motor vehicle theft, liquor law violations, drug law violations, illegal weapon possessions, arson, negligent and non-negligent manslaughter, hate crimes & VAWA offenses (domestic violence, dating violence and stalking) during the past three calendar years.