

# Denham Springs Beauty College

## Title IX Policy and Procedures

### What is Title IX?

Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities that receive federal financial assistance. The statute states: *No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving Federal financial assistance.*

It is the goal of the administration to provide a safe environment for both students and employees that is free from discrimination or harassment based on sex. The 2020 amendments to Title IX define sexual harassment to include (but not limited to) certain types of unwelcome sexual conduct, sexual assault, dating violence, domestic violence, and stalking.

Sexual harassment is defined as conduct on the basis of sex which jeopardizes equal access to education and that satisfies one or more of the following:

- Quid pro quo: An employee of the institution offering aid, benefit, or service of the school in return for the individual's participation in unwelcome sexual conduct.
- Unwelcome conduct: Conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the school's education program or activity.
- Sexual assault, dating violence, domestic violence, and stalking as defined by under the Clery Act and the Violence Against Women Act.

Title IX further clarifies the stipulations of reporting be limited to:

- conduct that is alleged to have been perpetrated against a person in the United States;
- conduct that is alleged to have taken place on campus or within the institution's programs and activities; and
- at the time of filing or signing a formal complaint, the Complainant is participating in or attempting to participate in the institution's programs or activities.

Title IX also prohibits retaliation against any individual who reports discrimination or harassment, or who participates in an investigation or hearing into discrimination or harassment.

### DEFINITIONS

- A. **Advisor** means a person chosen by a party or appointed by the institution 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 the hearing, if any.
- B. **Complainant** means an individual who is alleged to be the victim of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- C. **Consent**: both people in a sexual encounter must agree to it, and either person may decide at any time that he or she no longer consents and wants to stop the activity.

- D. **Dating Violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
- E. **Domestic Violence:** violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.
- F. **Education program or activity** means locations, events, or circumstances where the institution exercises substantial control over both the Respondent and the context in which the sexual harassment or discrimination occurs.
- G. **Formal Complaint:** a document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment.
- H. **Final Determination:** A conclusion by preponderance of the evidence that the alleged conduct occurred and whether it did or did not violate policy.
- I. **Formal Grievance Process** means "Title IX Process," a method of formal resolution designated to address conduct that falls within the policies included below.
- J. **Hearing Decision-maker or Panel** refers to those who have decision-making and sanctioning authority.
- K. **Investigator** means the person or persons assigned to investigate the allegation, interview parties involved, witnesses, and gather evidence compiling an Investigation Report at the conclusion of the investigation.
- L. **Mandated Reporter** means an employee who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator.
- M. **Respondent:** the person accused of the alleged sexual harassment.
- N. **Resolution** means the result of an informal or Formal Grievance Process.
- O. **Sanction** means a consequence imposed by the institution on a Respondent who is found to have violated this policy.
- P. **Sexual assault:** when a physical sexual activity is engaged in without the consent of the other person or when the other person is unable to consent to the activity.
- Q. **Stalking:** 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.
- R. **Supportive Measures** are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the institution's education program or activity, including measures designed to protect the safety of all parties or the educational environment, and/or deter harassment, discrimination, and/or retaliation.
- S. **Title IX Coordinator** is the official designated to ensure compliance with Title IX. The Title IX Coordinator has the primary responsibility for coordinating all Title IX efforts.

## **TITLE IX COORDINATOR**

The Title IX Coordinator for the school is:

Shanna Forstall, Director of Education and Admissions  
923 Florida Blvd. SE  
Denham Springs, LA 70726  
225-665-6188  
shanna@dsbeautyschool.org

The Title IX Coordinator acts with independence and authority free from bias and conflicts of interest and oversees all Title IX processes. Any concerns that the Title IX Coordinator may be biased or have a conflict of interest should be directed to the Chief Administrative Officer. Reports of misconduct or discrimination committed by the Title IX Coordinator should also be directed to the Chief Administrative Officer.

All employees are considered Mandated Reporters of any knowledge they have that a student or employee is experiencing harassment, discrimination, and/or retaliation. Failure of a Mandated Reporter to report an incident of harassment or discrimination of which they become aware is a violation of the Title IX policy and can be subject to disciplinary action for failure to comply.

## **OVERVIEW OF THE TITLE IX PROCESS**

1. Title IX Coordinator notified or complaint submitted
2. Supportive measures offered to complainant
3. Determination to proceed
4. Active investigation
5. Investigation Report completed and distributed to involved parties
6. Live hearing
7. Decision
8. Appeal

## **COMPLAINTS**

Complaints or notice of alleged sexual harassment can be reported to the Title IX Coordinator by the alleged victim or a third party. The Title IX coordinator can be contacted in person, by mail, email, or phone.

Complaints can be submitted during non-business hours by email or regular mail. Notice to the Title IX Coordinator constitutes actual knowledge and initiates the school's obligation to respond. Any person, not just the alleged victim, may report sex discrimination or harassment.

Any person wishing to file a formal complaint in person may fill out the institution's Title IX Formal Complaint form. The complaint must contain the complainant's actual or digital signature. If the complainant is not willing or able to sign the complaint, the Title IX Coordinator may sign the complaint in their stead. A person may make an anonymous complaint also. However, anonymous complaints may limit the school's ability to provide supportive measures.

The Title IX Coordinator will respect the complainant's wishes if they choose not to file a formal complaint. However, if the alleged victim chooses not to file a formal complaint, the Title IX coordinator may sign a formal complaint initiating the Title IX process if it is deemed necessary for protecting other students or employees.

Formal complaint allegations that do not meet the definition of sexual harassment or meet the reporting stipulations for Title IX will be dismissed for Title IX purposes. However, it may be deemed necessary to address the allegations under violation of other school policies.

### **SUPPORTIVE MEASURES**

Upon notice of alleged harassment or discrimination, the Title IX Coordinator will promptly contact the complainant confidentially to offer appropriate and reasonable supportive measures. The Complainant has the option to notify police if the behavior warrants doing so. The complainant will be informed in writing of the supportive measures available and how to file a formal complaint if one has not already been filed. The Title IX Coordinator will respect the wishes of the complainant regarding supportive measures implemented.

Supportive measures are individualized services reasonably available that are non-punitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. The Title IX Coordinator will maintain the privacy of the supportive measures, provided that privacy does not impair the school's ability to provide the supportive measures. Supportive measures may include:

- Referral to counseling, medical, and/or other healthcare services
- Visa and immigration assistance
- Student financial aid counseling
- Altering work arrangements for employees when possible
- Providing campus safety escorts
- Implementing contact limitations (no contact orders) between the parties
- Academic support, extensions of deadlines, or other course/program-related adjustments
- Timely warnings
- Withdrawals or leaves of absence
- Any other actions deemed appropriate by the Title IX Coordinator

Violations of no contact orders will be referred to appropriate student or employee conduct processes for enforcement.

### **DETERMINATION TO PROCEED**

After notification of the allegations or a formal complaint is submitted, the Title IX Coordinator will determine if the allegations meet the criteria to proceed with an active investigation. The criteria to proceed are:

1. The behavior impacted a person in the United States;
2. Occurred while participating or attempting to participate in the institution's programs or activities; and/or
3. the behavior meets the definition of sexual discrimination or sexual harassment.

### **Complaint meets the criteria**

If the Title IX Coordinator determines the allegations meet the criteria:

- The Title IX Coordinator will assign an individual to investigate the complaint.
- The respondent is notified in writing of the complaint and informed of the process of the investigation.
- The respondent is offered supportive measures.

- Appropriate measures to minimize contact between the complainant and respondent may be taken by the institution when deemed necessary.
- Each party may have an advisor or advocate throughout the process.

### **Complaint does not meet the criteria**

If the Title IX Coordinator determines that the allegations do NOT meet the criteria:

- The complaint will be dismissed.
- The Title IX Coordinator may determine the allegations should be addressed under another institutional policy.

### **Complaint Dismissal**

The complaint may be dismissed for the following reasons:

- the complainant would like to withdraw the complaint and has notified the Title IX Coordinator in writing;
- the respondent is no longer enrolled or employed by the school;
- specific circumstances prevent the school from gathering evidence sufficient to reach a determination.

The Title IX Coordinator will send a written notification to all parties if a complaint is dismissed.

### **ACTIVE INVESTIGATION**

The respondent is presumed to be not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The assigned investigator will notify both parties in writing of the rights and options. The investigator will meet with each party separately and their respective advisors.

The investigator will interview witnesses separately. The investigator will collect evidence through interviews and review of documentation and materials. The burden of gathering evidence and burden of proof fall on the investigator. The investigator will maintain an unbiased approach during the investigation regarding each parties status as Complainant, Respondent or witness. Voluntary written consent must be given for the institution to access a party's medical, psychological, or other treatment records.

### **How long will it take?**

All allegations are acted upon promptly once the Title IX Coordinator has received notice of a formal complaint. Complaints can take 60-90 business days to resolve, typically. There may be exceptions and extenuating circumstances that can cause a resolution to take longer. All parties involved will be notified in writing if there is a delay, cause of delay, and an estimate of the additional time needed.

### **Emergency Actions**

The Investigator will conduct a risk analysis and may recommend emergency action to the Title IX Coordinator if there is an immediate threat to the physical health and safety of students or employees. Emergency actions may include temporary suspension, removal from the school premises, temporary leave of absence. The respondent will be notified in writing of the emergency action and has the right to challenge the emergency action immediately after such action. Failure to respond in a timely manner will result in objections to removal being waived. There is no appeal process for emergency removal decisions. Violation of an emergency removal will be grounds for discipline, including expulsion or termination.

The Title IX Coordinator 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:

- Removing a student from a specific class
- Temporarily re-assigning an employee
- Restricting a student's or employee's access to or use of facilities or equipment
- Allowing a student to withdraw or take a leave of absence without financial penalty
- Authorizing an administrative leave for an employee

### **INVESTIGATION REPORT**

Once the investigation has been completed, the investigator will write an Investigation Report that summarizes the investigation and includes all evidence. An electronic or hard copy of the report will be submitted to the Title IX Coordinator, complainant, respondent, and their advisors, if chosen. The parties will be given 10 days to respond to the document prior to finalizing the report.

The investigator must finalize the Investigation Report at least 10 days prior to a live hearing. The investigator will send an electronic or hard copy of the final Investigation Report to the parties and respective advisors.

### **PRIVACY**

Every attempt will be made to protect the privacy of all individuals involved in a Title IX process. The identities of the complainant, respondent, witnesses, etc. will not be shared except as necessary and permitted under FERPA or by law. Only employees deemed necessary will have access to any written reports or correspondence. Parents/guardians will be contacted only when the health or safety of a student is at risk, preferably with the student being consulted before doing so.

### **LIVE HEARING**

The complainant and respondent may choose an advisor for the hearing. If one is not chosen an advisor will be appointed. The Title IX Coordinator will notify the parties and advisors in writing of the date, time, and place of the live hearing. Prior to the hearing the parties will be advised of the specific procedures for the live hearing, including time limits, rebuttal, and cross-examination. The live hearing may be in a physical location or virtually.

The Title IX Coordinator will appoint a Hearing Officer to oversee the live hearing where parties can ask questions of each other and witnesses through their advisors. The Hearing Officer will examine the evidence, determine responsibility based on a preponderance of the evidence, and compose a Written Determination of Responsibility. The Hearing Officer will make an unbiased determination without regard to a person's status as Complainant, Respondent, or witness.

Cross-examination at a live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. If requested, the parties may be located in separate rooms with technology enabling the parties to see and hear each other. Only relevant cross-examination and other questions may be asked of a party or witness. If a party or witness does not submit to cross-examination at the hearing, the Decision-maker may have to disregard any statement made by the party in reaching a determination.

The institution will implement rape shield protections for the Complainant to prevent irrelevant questions or evidence about a complainant's prior sexual behavior unless such information is offered

to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.

Equal opportunity will be given to both parties to present fact and expert witnesses and other inculpatory and exculpatory evidence. The institution will not prohibit parties from discussing the allegations or gather evidence. An audio or audiovisual recording or transcript will be created by the institution.

### **HEARING DECISION**

The Written Determination of Responsibility report will be sent simultaneously to both parties along with information on how to file an appeal. If found responsible, sanctions will be imposed on the Respondent and remedies will be issued to the Complainant and Title IX Coordinator.

### **APPEAL**

The Complainant or the Respondent may appeal the hearing officer's determination within 10 school days. The grounds for appeal are:

1. Procedural irregularity that affected the outcome;
2. New evidence not reasonably available that could affect the outcome;
3. Conflict of interest or bias by the school's participants that affected the outcome.

Any party wishing to appeal must submit a completed Title IX appeal form to the Title IX Coordinator. The Title IX Coordinator will notify the other party of the appeal allowing them to submit a written response statement within 7 days. The Title IX Coordinator will appoint an appeal decision-maker who will review the evidence, make a determination using the preponderance of the evidence standard, and compose an Appeal Determination.

### **REMEDIES**

If a Respondent is found responsible, the Hearing Officer will issue remedies for the Complainant. The remedies will maintain the Complainant's equal access to education and may include supportive measures. The remedies may also include sanctions imposed upon the Respondent.

### **SANCTIONS**

The sanctions imposed on a Respondent found responsible for the alleged behavior will be determined by the Hearing Officer and may include, but not limited to, any of the following:

- Suspension
- Expulsion
- Termination, if employee
- Placed on a leave of absence for a specific time period or until the Complainant is no longer enrolled

### **FALSE ALLEGATIONS AND EVIDENCE**

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action. Witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to disciplinary action.

### **REPORTING TIME LIMITATIONS**

The current sexual harassment law in Louisiana will be the standard the institution will follow when addressing alleged sexual harassment or sexual discrimination. A sexual harassment claim in Louisiana must be brought within 18 months of the alleged event. However, if the Respondent is no longer subject to the institution's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. The Title IX Coordinator will offer supportive measures to the Complainant, which may include notifying law enforcement if the allegation warrants such notification, and the Complainant chooses to do so. The Title IX Coordinator will document the allegations for future reference and take any appropriate actions.

### **RETALIATION**

Retaliation toward a person involved in any aspect of a Title IX complaint, allegation, investigation, hearing, or appeal should be reported immediately to the Title IX Coordinator and will be investigated promptly. The institution prohibits the retaliatory actions such as intimidation, threats, coercion, harassment, or discriminating against a person for the purpose of interfering with the person's involvement in the grievance process. Any person found to engage in retaliation will be subject to disciplinary action, including but not limited to suspension or expulsion/termination. The exercise of rights protected under the First Amendment does not constitute retaliation.

### **INFORMAL RESOLUTION**

The Title IX Coordinator may offer the option of an informal resolution, such as mediation or restorative justice. Both parties must give voluntary, informed, written consent to attempt an information resolution. Any party has the right to withdraw from the informal resolution prior to agreeing to a resolution and resume the grievance process for the formal complaint.

### **FEDERAL TIMELY WARNING OBLIGATIONS**

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, the institution must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to students or employees. The Complainant's identity will not be disclosed if a timely warning is issued.

### **TRAINING**

The Title IX Coordinator and other individuals involved in the Title IX process, such as the investigator, decision-maker, and hearing officer are required to complete Title IX training. The training materials will be posted on the institution's website and made available for members of the public to inspect.

### **REPORTING CRIME STATISTICS**

Under the *Clery Act* the institution is required to annually report crime statistics that occurred in the institution's Clery Geography in the following categories:

- Criminal Offenses: Criminal homicide, including murder and non-negligent manslaughter, and manslaughter by negligence; sexual assault, including rape, fondling, incest and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; and arson;
- Hate crimes: any of the above-mentioned offenses and any incidents of larceny-theft, simple assault, intimidation or destruction/damage/vandalism of property that were motivated by bias;
- VAWA offenses: any incidents of domestic violence, dating violence and stalking; and
- Arrest and Referrals for disciplinary action for weapons: carrying, possessing, etc. Law violations, drug abuse violations and liquor law violations.

The school will protect the confidentiality of victims and other necessary parties. When completing publicly available recordkeeping, including *Clery Act* reporting and disclosures, the school will not include any personally identifying information about the victim. Furthermore, the school will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the school to provide the accommodations or protective measures.

**Definition VAWA offenses:**

**Dating violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

**Domestic violence:** violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner.

**Sexual assault:** when a physical sexual activity is engaged in without the consent of the other person or when the other person is unable to consent to the activity.

**Stalking:** 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.

**Consent:** both people in a sexual encounter must agree to it, and either person may decide at any time that he or she no longer consents and wants to stop the activity.

**BYSTANDER INTERVENTION**

**Safe and positive options for bystander intervention.**

Bystander intervention involves a person who notices a problematic situation, takes on personal responsibility and takes action to intervene, with the goal of preventing the situation from escalating.

- Make your presence as a witness known.
- Move near the person being harassed.
- Ask the person being harassed if they want support.
- Pull in others to assist you.
- If possible, create distance or a barrier between the person being harassed and the harasser.
- Guide the person being harassed to a safer space/place.
- Follow up with the individual being harassed after the incident is over, see if they need anything else.

**Risk reductions**

Risk reduction refers to options designed to decrease perpetration and bystander inaction and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence.

**Know your sexual intentions and limits.** You have the right to say “NO” to any unwanted sexual contact. If you are uncertain of what you want, ask your partner to respect your feelings.

**Communicate with your partner.** Do not assume that someone will “get the message” without you having to say anything. It’s okay to say “NO” to unwanted activities and important to give clear consent to activities in which you would like to engage. Avoid giving “mixed messages”.

**Be clear up front about your limits in such situations.**

### **Listen to your gut feelings.**

- If you feel uncomfortable or think you might be at risk, leave the situation immediately and go to a safe place.
- If you feel you are being pressured or coerced into sexual activity, you have a right to state your feelings and leave the situation.
- If you are concerned about the other person becoming angry, it is okay to make up an excuse to leave or create time to get help.
- Attend large parties with friends you trust. Agree to “look out” for one another.
- Leave with the group, not alone.
- Avoid leaving with people that you don’t know very well.
- Attend a workshop on sexual assault risk reduction or take a self-defense course.

### **RESOURCES**

- [National Sexual Assault Hotline](#): National hotline, operated by [RAINN](#), that serves people affected by sexual violence. It automatically routes the caller to their nearest sexual assault service provider. Hotline: 800.656.HOPE
- [National Sexual Violence Resource Center](#): This site offers a wide variety of information relating to sexual violence including a large legal resource library.
- [National Organization for Victim Assistance](#): Founded in 1975, NOVA is the oldest national victim assistance organization of its type in the United States as the recognized leader in this noble cause.
- [National Online Resource Center on Violence Against Women](#): VAWnet, a project of the National Resource Center on Domestic Violence hosts a resource library home of thousands of materials on violence against women and related issues, with particular attention to its intersections with various forms of oppression.
- [U.S. Department of Justice: National Sex Offender Public Website](#): NSOPW is the only U.S. government Website that links public state, territorial, and tribal sex offender registries from [one national search site](#).
- [The National Center for Victims of Crime](#): The mission of the National Center for Victims of Crime is to forge a national commitment to help victims of crime rebuild their lives. They are dedicated to serving individuals, families, and communities harmed by crime.
- [National Street Harassment Hotline](#): Created by Stop Street Harassment, Defend Yourself, and operated by RAINN, the National Street Harassment Hotline is a resource for those affected by gender-based street harassment. Support is available in English and Spanish: call 855.897.5910 or [chat online](#).
- [Sex Offender Registry](#): A list of registered sex offenders in Denham Springs and Livingston Parish can be obtained at the Livingston Parish Sheriff’s Office website [www.lpsa.org](#).