

Sex Discrimination and Sexual Misconduct Policy

Notice of Nondiscrimination

Aveda Institute Minneapolis (the "Institute") does not discriminate on the basis of race, color, creed, national and ethnic origin, sex, age, religion, disability, sexual orientation, gender identity or other legally protected status in its employment policies, education programs and activities, or any other area of the Institute. Harassment based upon an individual's legally protected status is a form of prohibited discrimination.

In accordance with Title IX, this policy addresses the Institute's prohibition of all forms of sex discrimination. Sexual harassment is a form of sex discrimination. Sexual harassment includes a variety of unwelcome behavior of a sexual nature, and in its most severe form includes sexual violence. Examples of sexual violence include, but are not limited to: sexual assault, domestic violence, dating violence, and stalking. This policy discusses "sexual misconduct" when referring to sexual harassment in all forms, including sexual violence.

Questions or concerns about the application of Title IX, sex discrimination, sexual harassment or other forms of sexual misconduct may be directed to the Institute's Title IX Coordinator:

Heather Walsh
hewalsh@aveda.com
(612) 378-7433
400 Central Ave. S.E. Minneapolis, MN 55414

The Institute is committed to a safe and healthy environment and as such will not tolerate sexual harassment or sexual violence in any form. Sexual assault is a crime and is a violation of an individual's rights and dignity. Sexual assault is not only an act of disrespect, violence, aggression or coercion against an individual, but also an attack on the Institute community. The Institute is committed to promptly, impartially, and equitably addressing and resolving all reports of discrimination, harassment, or sexual violence. The Institute will promptly respond to complaints of sexual misconduct to stop the conduct, ensure that such actions are not repeated, and address the effects of the misconduct on any individual or the Institute's learning community. Retaliation against an individual who brings a complaint or pursues legal action, or against an individual who serves as a witness in an investigation, is prohibited and will not be tolerated.

Questions or concerns may also be directed to the Office of Civil Rights of the United States Department of Education:

U.S. Department of Education
Office for Civil Rights
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago, IL 60661-4544
Phone: (312) 730-1560
TDD: (877) 521-2172
Email: OCR.Chicago@ed.gov

See also: <http://www2.ed.gov/about/offices/list/ocr/index.html>.

Scope of Policy

This policy applies to all Institute community members including students, employees, contractors, volunteers, vendors, independent contractors, and all other visitors. This policy also applies regardless of the sexual orientation or gender identity of any of the parties.

Sex discrimination or sexual misconduct committed in connection with any Institute program, whether on or off campus, is prohibited and will not be tolerated. This policy applies to any incident that may adversely impact an employee's work and/or a student's or other person's participation in the Institute's educational, extra-curricular, or other programs and activities. In addition, this policy applies to off-campus conduct that the Institute determines may cause or threaten to cause an unacceptable disruption at the Institute or which may interfere with an individual's right to a non-discriminatory educational environment.

The Institute is committed to addressing sex discrimination and sexual misconduct and encourages individuals to report incidents to appropriate Institute authorities. Individuals found responsible for sex discrimination or sexual misconduct will be subject to disciplinary action deemed appropriate by the Institute. A complete list of possible sanctions is set forth below in the section entitled "Sanctions and Remedies."

Application of Procedures

Procedures for reporting, investigating, and resolving conduct prohibited under this Policy are based upon the nature of the parties' relationship to the Institute. In situations where the complainant or respondent is a third party (i.e., visitor or other person not connected to the Institute), the Title IX Coordinator will determine, in his or her discretion, whether the procedures under this Policy or another process is the best way to address the alleged misconduct, consistent with the Institute's commitment to promptly and equitably address and resolve reports of discrimination, harassment, and sexual violence.

Definitions

a. Complainant

The person alleged to have been subjected to conduct that violates this policy.

b. Respondent

The person accused of engaging in conduct that violates this policy.

c. Sex Discrimination

Sex discrimination is conduct based upon an individual's sex that excludes an individual from participation, denies the individual the benefits of, treats the individual differently or otherwise adversely affects a term or condition of an individual's employment, education, living environment or participation in a program or activity. Sex discrimination encompasses all forms of sexual harassment, sexual misconduct, differential treatment, and gender-based harassment.

d. Sexual Harassment

Sexual harassment includes unwelcome conduct such as sexual advances, requests for sexual favors, sexually motivated physical contact, offensive comments, or other verbal or nonverbal communication, or physical conduct of a sexual nature, including sexual violence, when:

- submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's educational experience or employment, or the individual's submission or rejection of such conduct is used as the basis of an educational program or activity decision or employment decision affecting such individual; or
- such conduct has the purpose or effect of substantially and unreasonably interfering with an individual's education or employment or creating an intimidating, hostile, or offensive educational or work environment.

Actions that can constitute sexual harassment include:

- Unwelcome sexual flirtations, advances, propositions, or requests for sexual favors;
- Verbal abuse of a sexual nature, obscene language, off-color jokes, commentary about an individual's body, sexual innuendo, and gossip about sexual relations;
- The display of derogatory or sexually suggestive posters, cartoons, drawings, objects, notes, letters, emails, or text messages;
- Unwelcome visual conduct such as leering or making gestures;
- Videotaping or taking photographs of a sexual nature without consent;
- Cyber harassment, including but not limited to disseminating information, photos, or video of a sexual nature without consent;
- Engaging in conduct of a sexual nature which creates an intimidating, hostile, or offensive academic or work environment (e.g., sexually-oriented jokes, offensive physical contact, obscene messages and gestures);
- Punishing or threatening to take adverse action against a subordinate or student for refusing to comply with sexual demands.

Although certain forms of sexual harassment may seem self-evident, recognizing such behavior when it is happening to you or others around you can be difficult. In making such an assessment consider whether the behavior is sexual or sex-based in nature and:

- Is offensive, unwanted or both;
- Interferes with your (or another's) ability to enjoy the employment or academic environment;
- Interferes with job or academic performance;
- Causes unnecessary discomfort, humiliation or harm to you or others around you.

If at any time you are able to answer yes to any of the above questions, you should immediately contact the Student Services Manager or Director for students; or the Director of Human Resources for employees; or if you are not certain of whom to contact or not comfortable contacting someone else, you should always feel free to contact the Institute's Title IX Coordinator Heather Walsh at (612) 378-7433. Employees are reminded to review the Estee Lauder Companies Code of Conduct for other guidance relating to workplace conduct and reporting sexual harassment.

e. Sexual Violence

Sexual Violence is a severe form of sexual harassment and includes sexual assault or other sexual violence, domestic violence, dating violence, and stalking. Many types of sexual violence include nonconsensual sexual contact, but this is not a necessary component.

f. Sexual Assault

Sexual Assault is any sexual contact, including but not limited to sexual penetration, with another person who does not or cannot give consent. This may or may not include force. For purposes of this Policy, "sexual contact" shall have the same meaning as it has under Minnesota law, and includes, but is not limited to, the intentional touching of an individual's breasts, inner thighs, buttocks, genitals and/or groin area, whether clothed or unclothed; or the coerced touching by an individual of another's intimate parts.

Sexual assault is also prohibited by Minnesota law. See Minn. Stat. § 609.341 *et seq.*

Sexual assault includes, but is not limited to:

- Rape (the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by or of a sex organ of any person, without the consent of the victim);
- Fondling (the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim);
- Incest (sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law);

- Statutory rape (sexual intercourse with a person who is under the statutory age of consent).

g. Consent

Consent is words or overt actions by a person clearly indicating a freely given present agreement to perform a particular sexual act with another, at the time of the act. Consent can only be given by someone who: acts freely, voluntarily, and with knowledge of the fact and nature of the sexual act involved. Consent is a mutually understood freely given "yes," not the absence of "no." Consent can be withdrawn at any time. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and obtaining consent.

As explained further below consent cannot be given if someone:

- is incapacitated by drugs or alcohol
- is threatened, coerced or intimidated into submission
- is not conscious
- is physically incapacitated
- is mentally incapacitated
- is not of legal age to consent (16 years old in Minnesota)

Consent cannot be inferred from:

- consent to another form of contact or sexual activity
- a prior sexual, romantic or marital relationship
- an existing sexual, romantic or marital relationship
- silence, or an absence of resistance
- prior sexual activity with other individuals

h. Coercion

Coercion means the use by the actor of words or circumstances that cause the complainant reasonably to fear that the actor will inflict bodily harm upon the complainant or another, or the use by the actor of confinement, or superior size or strength, against the complainant that causes the complainant to submit to sexual contact against the complainant's will. Proof of coercion does not require proof of a specific act or threat. See Minn. Stat. § 609.341, subd. 14.

i. Incapacitation

Incapacitation means the inability to understand the fact, nature, or extent of the sexual situation. Incapacitation may result from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the influence of drugs or alcohol. With respect to incapacitation due to consumption of drugs or alcohol, incapacitation requires more than being under the influence of drugs or alcohol; a person is not incapacitated simply because he or she has been drinking or using drugs. Where alcohol and/or drugs are involved, incapacitation is determined based on the facts and circumstances of the particular situation looking at whether the individual was able to understand the fact, nature, or extent of the sexual situation, whether the individual was able to communicate decisions regarding consent, nonconsent or the withdrawal of consent, and whether such condition was known or reasonably should have been known to the accused or a reasonable person in the accused's position.

Use of drugs or alcohol by the accused is not a defense against allegations of sexual misconduct and does not diminish personal responsibility. It is the responsibility of the person initiating the specific sexual activity to obtain consent for that activity.

j. Dating Violence

Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship will be determined based

on the reporting party's statement and with consideration of 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 the threat of such abuse.

Dating violence is also prohibited by Minnesota Law. See Minn. Stat. § 518B.01 *et seq.*

k. Domestic Violence

A felony or misdemeanor crime of violence committed against the victim by a family or household member. "Family or household member" means: current or former spouse, parent, child, other blood relative, or persons involved in a significant romantic or sexual relationship, person with whom the victim shares a child in common, a man and woman if the woman is pregnant and the man is alleged to be the father, and, persons who presently reside together or who have resided together in the past. 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.

Domestic violence is also prohibited by Minnesota Law. See Minn. Stat. § 518B.01 *et seq.*

l. Stalking

Stalking means engaging in a course or pattern of unwelcome and unwanted conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress. Stalking can be a form of sexual harassment if based on someone's sex. Stalking behavior includes, but is not limited to:

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

Stalking is also prohibited by Minnesota law. See Minn. Stat. § 609.749.

m. Retaliation

Retaliation means adverse action taken against an individual for making a good faith report of a violation of this policy, for supporting another person's report, or participating in an investigation or other proceedings based on the report. Retaliation includes, but is not limited to, any form of intimidation, threats, coercion, or harassment.

Title IX Coordinator

The Institute has designated Heather Walsh as having overall responsibility for coordinating the Institute's efforts to comply with and carry out its responsibilities under Title IX. The Title IX Coordinator will ensure Institute policies and procedures and relevant state and federal laws are followed, ensure appropriate training, prevention, and education efforts take place, oversee the school's response to reports and complaints of sex discrimination and harassment, including monitoring compliance with procedural requirements and timelines outlined in this policy, coordinate the school's efforts to identify and address any patterns or systemic problems revealed by such reports and complaints, and assist in answering any other questions related to these policies and procedures.

Heather Walsh
hewalsh@aveda.com
(612) 378-7433
400 Central Ave. S.E. Minneapolis, MN 55414

The Financial Aid Manager serves as Deputy Title IX Coordinator for sexual misconduct complaints involving students and assists the Title IX Coordinator with the implementation of the Institute's policy in matters involving students.

Shayla Floyd
Financial Aid Manager, Aveda Institute Minneapolis
sfloyd@aveda.com
(612) 378-7406
400 Central Ave. S.E.
Minneapolis, MN 55414

Meghan Martin, Human Resources Manager for Estee Lauder Companies, serves as a Deputy Title IX Coordinator for sexual misconduct complaints involving employees and assists the Title IX Coordinator with implementation of the Institute's policy for matters involving employees and matters involving both a student and an employee.

Meghan Martin
Human Resources Manager
memartin@estee.com
(312) 281-7076
433 E. Las Colinas Blvd., Suite 940
Irving, TX 75039

Confidentiality

The Institute encourages individuals to report all incidents of sexual misconduct to the Institute so that the Institute can investigate and resolve such incidents. This enables the Institute to provide more resources and assistance to a complainant and to more effectively provide a safe, nondiscriminatory environment. An individual who reports an incident of sexual discrimination or misconduct is not required to initiate or participate in the Institute's complaint procedures or to report to law enforcement. However, under certain circumstances, the Institute may determine that it has a responsibility to move forward with the formal investigation of a complaint (even without the participation of the individual who has alleged the sexual misconduct).

The Institute recognizes that some individuals may wish to keep their concerns confidential. Because of the Institute's obligation to investigate and respond to reports, the Institute cannot guarantee complete confidentiality. It is also important to understand that **responsible employees are not confidential resources, and are obligated to report to the Institute any information they receive about sex discrimination or sexual misconduct.** "Responsible employees" are those who: (1) have the authority to take action to redress harassment, (2) have a duty to report to appropriate Institute officials sexual misconduct or any other misconduct by students or employees, or (3) a student could reasonably believe has this authority or responsibility. The Institute's "Responsible Employees" are listed in the faculty and administration section of the Institute's student catalog.

While only certain Institute employees are considered "responsible employees" for purposes of reporting known or suspected incidents of sexual misconduct, it is the Institute's expectation that all students and employees will report incidents of sexual discrimination and sexual misconduct (including names of the alleged victim and accused) to the Title IX coordinator so that the Institute can investigate the incident and take the appropriate steps to address the situation.

When a report of sexual misconduct is made to the Institute, every effort will be made by the Institute to ensure confidentiality to the extent possible, subject to the Institute's need to respond to such complaints

and to report campus crimes in accordance with applicable federal and state law. The Institute will protect a complainant's confidentiality to the extent possible even if the complainant does not specifically request confidentiality. While the Institute is obligated to provide the Institute community with general information regarding incidents of sexual assaults and certain other crimes occurring on campus, publicly available recordkeeping, including Clery Act reporting and disclosures such as the annual security report and daily crime log, will not include names or other information that may personally identify either the complainant or the respondent.

To ensure that a complainant's personally identifying information will not be included in publically available recordkeeping, the Student Services Manager describes the alleged incidents by removing the complainant's name and any other identifier that would enable the public to identify the complainant in the context of the incident report.

Requests for confidentiality or non-action

Upon receiving a report of a violation of this policy, the Institute will seek the consent of the complainant to proceed using the procedure(s) set forth herein. The Institute strives to honor any request that a complainant may make to keep any such report confidential or for the Institute not to investigate or respond to such report, but complying with any such request will limit the Institute's ability to meaningfully respond to a report. In deciding whether the complainant's request can be honored, the Institute will weigh the request against the seriousness of the alleged misconduct, the Institute's obligation to maintain a safe and nondiscriminatory learning environment for its students, and the Institute's commitment to addressing and preventing recurrence of misconduct. This determination will be made by the Title IX Coordinator.

If the Institute decides that it has an obligation to investigate and address the alleged policy violation, it will notify the complainant before proceeding. The Institute will maintain confidentiality to the extent reasonably possible, subject to its need to conduct an investigation and respond to the situation in accordance with this policy and applicable federal and state law. In all cases, the individuals investigating and responding to incidents or allegations of misconduct will share information about the incident or allegation, investigation and response within and outside the Institute only on a "need to know" basis. However, complete confidentiality generally will not be possible.

Confidential Community Resources

Confidential communications are those communications which legally cannot be disclosed to another person without the consent of the individual who originally provided the information, except under very limited circumstances, such as allegations involving the physical or sexual abuse of a child or vulnerable adult or an imminent threat to the life of any person. The Institute recognizes that some individuals may wish to keep their concerns confidential, and that the Institute cannot ensure confidentiality. The Institute encourages individuals who have experienced sexual misconduct to talk to someone about what happened. Community resources may be able to provide assistance and support while ensuring confidentiality. Some of these resources include:

- **Crisis Connection** 612-379-6363 or 866-379-6363
- **RAINN** 800-656-HOPE (4673)
- **Teen Date Rape Crisis Helpline** 800-214-4150
- **Teen Dating Abuse Hotline** 866-331-9474 or 866-331-8453
- **Child Abuse Hotline** 800-422-4453
- **Crime Victims Hotline** 866-689-HELP (4357)
- **Domestic Violence Hotline** 800-621-HOPE (4673)

Non-Participation and Silence

If, at any time during the complaint procedures explained below, a party decides not to participate, the Institute will proceed with the applicable complaint process and make a determination based upon the information available. Silence in response to an allegation will not necessarily be viewed as an admission of the allegation, but may leave the complainant's allegations undisputed.

Interim Measures and Ongoing Accommodations

At any time after a report of a potential violation of this policy has been received by the Institute, the Institute will provide interim support and/or ongoing accommodations if the complainant requests them and if they are reasonably available, to protect an individual from further harm and to meet its obligations to maintain a safe, nondiscriminatory learning and working environment for students and employees. The Institute is obligated to comply with a student's reasonable request for a living and/or academic situation change following an alleged sex offense. The Institute must take such steps even when an individual asks to keep a reported violation confidential, when a request is made not to investigate, and regardless of whether an individual chooses to report to Campus Security Authorities or local law enforcement. Interim or protective measures may include:

- Establishing a "no contact" order between individuals.
- Prohibiting an individual from being on campus or at Institute events.
- Changing a student's or employee's status.
- Changing work, class, or other schedules.
- Providing assistance with academic issues.
- Providing excused absences for 1-5 days.
- Providing security escorts.
- Providing parking passes.
- Issuing a timely warning of any substantial threat or danger to the community.
- Making information about and providing assistance with respect to orders for protection and harassment restraining orders, including enforcement of such orders.
- For students who choose to transfer to another institution: At the student's request, providing information about resources for victims of sexual assault at the institution to which the student is transferring.

Such measures will vary based on the particular facts and circumstances, including, but not limited to, the specific need expressed by the complainant, the age of the student[s] involved, the severity or pervasiveness of the allegations, any continuing effects on the complainant, whether the complainant and alleged respondent share the same class, transportation, or job location, and whether other judicial measures have been taken to protect the complainant. The Title IX Coordinator will be responsible for determining what measures will be put in place.

To request an interim measure or accommodation, individuals should contact the Student Services Manager. The Institute will maintain as confidential any accommodations or protective measures provided to an individual, to the extent that maintaining such confidentiality will not impair the ability of the Institute to provide the accommodations or protective measures. The Institute will only disclose information necessary to provide the accommodations or protective measures in a timely manner. The Title IX Coordinator will determine what information about a victim should be disclosed and to whom this information will be disclosed. The Institute will inform victims before sharing personally identifying information that the Institute believes is necessary to provide an accommodation or protective measure. The Institute will tell the victim which information will be shared, with whom it will be shared, and why.

Waiver of Drug/Alcohol Violations

The Institute strongly encourages reporting instances of violations of this policy, including assault, dating or domestic violence or stalking. Consequently, individuals who report such information, and individuals who participate in an investigation into allegations of violations of this policy, will not be disciplined by the Institute for any violation of its drug and alcohol policies in which they might have engaged in connection with the reported incident.

No Retaliation

The Institute prohibits retaliation against any individual who makes a good faith report of a potential violation of this policy, who supports another person's report, or who acts as a witness in any investigation into a complaint. Any concerns of retaliation should be reported to the Title IX Coordinator, the Institute Director, or Human Resources. The Institute will take appropriate action against any individual who retaliates against another person in violation of this policy. The Institute will respond to

complaints of retaliation pursuant to the procedures set forth in this policy.

Treatment of the Parties

The Institute will treat all parties involved in the complaint resolution procedure with dignity and respect. Each party has the right to participate in the process or decline to participate, with the understanding that the Institute will proceed with the process and make a determination based upon the information available. A complainant shall never be treated in a manner that suggests he or she is at fault for sexual assault or sexual violence or that he or she should have done something different to avoid becoming a victim. The Institute will provide nonjudgmental support to all parties who are engaged in the complaint resolution procedure and will assist any party, at his or her request, with preserving information, documents, or other materials relevant to a report or proceeding initiated under this policy.

Conflicts

The Institute's resolution process will be conducted by officials who do not have a conflict of interest or bias for or against the complainant or respondent. If a complainant or respondent has any concern that any individual acting for the Institute under this policy has a conflict of interest, such concern should be reported to the Title IX Coordinator. The Title IX Coordinator will review the concerns and take appropriate steps to ensure that no conflicts of interest exist on the part of anyone investigating, adjudicating or otherwise resolving a complaint under this policy. If the Title IX Coordinator has a conflict of interest with respect to a complaint, the Institute's Director or the Director's designee shall appoint an alternate person to oversee adherence to this policy with respect to the complaint at issue. If the Director is a party to the complaint or has a conflict of interest with respect to a complaint, the Executive Director for the Institute shall ensure that the institution puts in place appropriate safeguards under the circumstances to ensure that the institution promptly and equitably responds to the complaint, including, but not limited to, appointment of alternate individuals to oversee adherence to this policy.

Timelines

Generally, the Institute will complete the investigation and adjudication processes outlined below within sixty (60) calendar days of receiving a complaint under this policy. Some complaints may, however, take longer to investigate and resolve. The Institute is committed to investigating and resolving all matters as promptly as possible and strives to meet the timing requirements set forth in these procedures. However, in some cases, extensions to the timing requirements may be necessary. The Title IX Coordinator may grant reasonable extensions to timing requirements in these procedures when warranted by the circumstances. For example, extensions of timing requirements may be granted if the Institute has been asked to delay its procedures during the evidence gathering stage of a criminal investigation, if the reported allegations are particularly complex (including, without limitation, allegations that involve multiple incidents and/or multiple individuals), or if witnesses are not on campus due to a scheduled break or for another reason. Extensions will be no longer than necessary. The complainant and respondent shall receive written notice of any extensions and the reason for the extension.

Reservation of Flexibility

The procedures set forth below reflect the Institute's desire to respond to complaints in good faith and in a manner that promotes fairness to all parties. The Institute recognizes that each case is unique and that circumstances may arise which require that it reserve some flexibility in responding to the particular circumstances of the matter. In the rare cases where it is not possible or practical to follow this procedure, the Institute reserves the right to modify the procedure or to take other administrative action as appropriate under the circumstances.

Written Notification

In compliance with federal and state law, this policy and its contents provide written notification to students and employees of the following:

- Existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available, both within the Institute and the community, for victims of sexual violence;

- Options for, available assistance in, and how to request changes to academic and working situations, or protective measures, for victims of sexual violence;
- A written explanation of the procedures for the Institute's disciplinary action in cases of alleged sexual violence; and
- A written explanation of the rights and options of a student or employee who is a victim of sexual violence, whether the offense occurred on or off campus.

This policy: (1) will be distributed annually to all students and employees of the Institute, (2) is posted on the student bulletin boards, and (3) will be provided by the Institute to any student or employee who reports to the Institute that the student or employee has been a victim of sexual violence.

Reporting Sex Discrimination or Sexual Misconduct

a. Reports to Law Enforcement

Individuals who believe they have been subjected to criminal sexual misconduct are encouraged to notify local law enforcement authorities and will be assisted by campus authorities in notifying such authorities, if the individual so chooses. The Institute will comply with an individual's request for assistance in notifying authorities. Individuals are encouraged to report the incident to the Minneapolis Police Department.

If you would like to report sexual violence to law enforcement, the Minneapolis Police Department is located at 350 South 5th Street, Room 130, Minneapolis, MN 55415 and can be contacted by calling 911 or (612) 673-5701 or emailing police@minneapolismn.gov. Call 911 to report a crime in process or if an officer is needed at the scene. To report a crime that is a non-emergency not requiring a police officer at the scene, call 311 or 612-673-3000 if calling from outside Minneapolis.

Reporting to law enforcement is not necessary for the Institute to proceed with an investigation.

Harassment Orders, Protective Orders and No-Contact Orders

Individuals who would like to avoid contact with another individual have several options available to them, including seeking a harassment restraining order or protective order from a civil court or requesting a no-contact order from the Institute.

A harassment restraining order is a court order issued against an alleged harasser, regardless of the relationship between the alleged harasser and the alleged victim, which orders the harasser to stop harassing the victim and/or to have no contact with the victim. The Institute does not issue harassment restraining orders but one can be obtained through making an application to Hennepin County District Court. Petition forms to apply for Harassment Restraining Orders are available at the 4th District Court Self-Help Center on the Public Service Level (2nd floor) of the Hennepin County Government Center in downtown Minneapolis. Forms are also available on-line at www.mncourts.gov/ctforms, but forms must be submitted to the Court Administrator at the Hennepin County Courthouse, 300 S 6th St Minneapolis, MN, during business hours.

An order for protection is a civil court order that protects one family or household member from domestic abuse by another family or household member. The Institute does not issue orders for protection but one can be obtained through making an application to Hennepin County District Court. Anyone seeking an Order for Protection should contact the Hennepin County Domestic Abuse Service Center (DASC) to schedule an appointment at (612) 348-5073. District Court staff will help you complete the paperwork (Affidavit and Petition) needed to ask for a temporary "ex parte" Order for Protection. An order of protection can be enforced by contacting local law enforcement. The Institute will fully cooperate with any order for protection issued by a criminal, civil, or tribal court.

A no-contact order is an Institute directive that serves as notice to an individual that he or she must not have verbal, electronic, written, third-party or other communications or contact with another individual.

To request a no-contact order from the Institute, individuals should contact the Student Services Manager, Heather Walsh, by phone at (612) 378-7433 or by email at hewalsh@aveda.com. The Institute is responsible for honoring requests for information about available options for orders for protection, restraining orders, and no-contact orders and will comply with and enforce such orders.

Crime Victims Bill of Rights

Pursuant to state law, victims of crime must be informed of their rights under the Crime Victims Bill of Rights. The following is a summary of crime victims' rights under Minnesota law.

When a crime is reported to law enforcement, victims have the right to:

- Request that their identity be kept private in reports available to the public;
- Be notified of crime victim rights and information on the nearest crime victim assistance program or resource;
- Apply for financial assistance for non-property losses related to a crime;
- Participate in prosecution of the case, including the right to be informed of a prosecutor's decision to decline prosecution or dismiss their case;
- Protection from harm, including information about seeking a protective or harassment order at no cost;
- Protection against employer retaliation for taking time off to attend protection or harassment restraining order proceedings; and
- Assistance from the Crime Victims Reparations Board and the Commissioner of Public Safety.

Victims of domestic abuse also have the right to terminate a lease without penalty. Victims of sexual assault have the right to undergo a confidential sexual assault examination at no cost, make a confidential request for HIV testing of a convicted felon, and are not required to undergo a polygraph examination in order for an investigation or prosecution to proceed. In cases of domestic abuse and violent crime where an arrest has been made, victims also have the right to be provided notice of the release of the offender, including information on the release conditions and supervising agency.

Complete information about crime victims' rights can be found at: <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/Pages/crime-victims-rights.aspx>.

b. Reports to the Institute

The Institute encourages anyone who has experienced or knows of an incident of sexual discrimination or misconduct to report the incident to the Institution. Reports should include as much information as possible to enable the Institute to respond appropriately. Reports can be made by telephone, email, or in person to the individuals listed below. Forms are also available from the Title IX Coordinator, the Student Services office, or Human Resources (for employees) at the addresses listed below or online at: <http://aveda.edu/minneapolis/report-harassment/>. Upon receipt of a report, the Institute will initiate its response and resolution process as set forth herein.

Reports of sex discrimination or sexual misconduct may be made by or about **students** to the following:

- the Title IX Coordinator and Student Services Manager, Heather Walsh, phone: (612) 378-7433, email: hewalsh@aveda.com
- the Financial Aid Manager, Shayla Floyd, phone: (612) 378-7406, email: sfloyd@aveda.com
- the Institute Director, Sandra Wagner, phone: (612) 378-7420, email: sawagner@aveda.com
- Compliance Director, Gina Lamancusa, phone: (612) 378-7439, email: glamancu@aveda.com
- Cosmetology Team Lead, Teri Cipowski, phone: (612) 378-7449, email: tcipowski@aveda.com
- Esthology Team Lead, Caroline Musolf, phone: (612) 378-7423, email: cmusolf@aveda.com
- or the Campus Security Guard, phone: (612) 378-7442, email: securityaim@aveda.com

Reports of sex discrimination or sexual misconduct may be made by or about **employees** to the following:

- the Title IX Coordinator, Heather Walsh, phone: (612) 378-7433, email: hewalsh@aveda.com
- the Human Resources Manager, Meghan Martin, phone: (312) 281-7076, email: memartin@estee.com

- the Institute Director, Sandra Wagner, phone: (612) 378-7420, email: sawagner@aveda.com
- Compliance Director, Gina Lamancusa, phone: (612) 378-7439, email: glamancu@aveda.com
- Cosmetology Education Manager, Teri Cipowski, phone: (612) 378-7449, email: tcipowski@aveda.com
- Esthiology Education Manager, Caroline Musolf, phone: (612) 378-7423, email: cmusolf@aveda.com
- or the Campus Security Guard, phone: (612) 378-7442, email: securityaim@aveda.com

Reports of sex discrimination or sexual misconduct may be made by or about **third parties** to the following:

- Title IX Coordinator, Heather Walsh, phone: (612) 378-7433, email: hewalsh@aveda.com
- the Institute Director, Sandra Wagner, phone: (612) 378-7420, email: sawagner@aveda.com
- Compliance Director, Gina Lamancusa, phone: (612) 378-7439, email: glamancu@aveda.com
- or the Campus Security Guard, phone: (612) 378-7442, email: securityaim@aveda.com

c. Anonymous Reports

The Institute accepts anonymous reports by submitting a complaint online at <http://aveda.edu/minneapolis/report-harassment/> or by submitting a complaint through the internal student complaint procedure. The Institute's Title IX Coordinator will receive all online complaints. The Student Services Manager will receive the complaint submitted through the internal complaint procedure and forward to the Title IX Coordinator.

The individual making the report is encouraged to provide as much detailed information as possible to allow the Institute to look into the report and respond as appropriate. The Institute may be limited in its ability to investigate an anonymous report unless sufficient information is furnished to enable the Institute to conduct a meaningful and fair investigation. Additionally, the Institute cannot guarantee complete confidentiality because it may have a legal obligation to respond to an anonymous report. See "Confidentiality" section above for further information related to requests for confidentiality.

INCIDENTS AND COMPLAINTS INVOLVING SEXUAL VIOLENCE

If you have been sexually assaulted, it is important to seek medical care, especially if you have been physically injured. Even if you do not have any visible physical injuries from the assault, there may be physical injuries that you cannot see, and medical and health centers can provide additional services such as testing for sexually transmitted diseases and emergency contraception.

Preservation of Evidence

It is important to preserve evidence which may be necessary to the proof of sexual assault, dating violence, domestic violence, or stalking or which may be helpful in obtaining a protective order. To preserve evidence, do not change clothes, bathe, douche, or brush your teeth. This is important for the evidence collection process that will occur at the hospital. Individuals should go to the Hennepin County Medical Center Emergency Room, located at 730 South 8th Street, Minneapolis MN 55415, to obtain a medical exam and preserve evidence that may be necessary for criminal prosecution as soon as possible. If you decide to make a report with the police, it is best for evidence collection to occur within 96 hours of the sexual assault. Keep in mind, though, that evidence collection does not require you to make a police report, but it does help preserve the evidence if you later decide to file a police report. Additional resources are set forth below in the section entitled, "Resources For Any Person Impacted by Sexual Violence."

The institution will provide complete and prompt assistance, at the direction of law enforcement authorities, in obtaining, securing, and maintaining evidence in connection with incidents of sexual violence, including sexual assault.

Immediate and On-Going Assistance to Survivors of Sexual Violence

The Institute will support any person adversely impacted by sexual violence. Both the Institute and the community provide a variety of resources to assist and support individuals who have experienced sexual violence. These resources, both immediate and ongoing, are available to all persons irrespective of their decision to file a complaint with the Institute or make a report to law enforcement. Support services include, but are not limited to, referring the individual to appropriate, fair, and respectful counseling and support services, making changes to academic, living, and/or working arrangements to protect the individual from contact with the alleged perpetrator, assistance in filing a criminal complaint, providing information about restraining orders and other measures as set forth above in the section entitled, "Interim Measures and Ongoing Accommodations."

Resources For Any Person Impacted By Sexual Violence

Hennepin County Medical Center (HCMC) provides Sexual Assault Resources Services (SARS) assistance to victims of rape and sexual assault through area hospital emergency departments 24 hours per day. Sexual Assault Nurse Examiners (SANEs) perform a special exam and collect evidence in a "rape kit." In addition to answering any questions, SANEs will carry about a special exam which involves:

- Collecting and saving evidence that will be needed to report sexual assault to law enforcement
- Evaluating risk for pregnancy and discussing safe prevention options
- Evaluating risk of contracting a sexually transmitted infection and offering medication to reduce that risk
- Further evaluating and documenting any injuries
- Providing resources to help during your recovery. This will include advocate services, agencies for medical follow-up, information about reporting this crime to law enforcement, information about the Crime Victims Reparations Fund and many other resources

Choosing to be seen by a SANE is about your health and safety; you have the right to decline any part of the exam at any time. You do not need to decide if you want to report an incident of sexual assault to law enforcement right away. You can discuss your options for reporting with your SANE, a sexual assault advocate, or your friends and family. If you decide to report after you leave the hospital the evidence collected during the exam will be saved for up to three (3)

months. If you have already reported your assault, your SANE will make sure the correct law enforcement agency is made aware that evidence was collected.

The county in which you were assaulted is required by law to pay for your forensic exam. If you have injuries that require medical care, such as stitches or x-rays, your insurance will be billed if that is possible. Any charges beyond this will be covered by the hospital at which you were seen.

For more information about Sexual Assault Nurse Examiners, please visit

http://www.hcmc.org/services/HCMC_MAINCONTENT_428.

Sexual Assault Resource Service: 612-873-5832

701 Park Avenue, Orange Building, 2.220, Minneapolis, MN 55415

Students and employees who feel they have been the victim of any form of sexual violence may also wish to seek support or confidential counseling from any of the following resources.

Crisis Hotlines

- **Crisis Connection** 612-379-6363 or 866-379-6363
- **RAINN** 800-656-HOPE (4673)
- **Teen Date Rape Crisis Helpline** 800-214-4150
- **Teen Dating Abuse Hotline** 866-331-9474 or 866-331-8453
- **Child Abuse Hotline** 800-422-4453
- **Crime Victims Hotline** 866-689-HELP (4357)
- **Domestic Violence Hotline** 800-621-HOPE (4673)

Victim Advocacy: **Cornerstone** (612) 374-9077

Legal Assistance: **Tubman Legal Clinic** (612) 870-2426

Visa and Immigration Assistance: **Immigrant Law Center of Minnesota** (651) 291-0110

Student Financial Aid: Meg, MakiFinancial Aid Counselor (612) 378-7418

Employees also have access to counseling services through the below resource.

LIFESCOPE

1-888-777-0052

www.lifescopEAP.com

The Institute does not have professional counselors or pastoral counselors on site, but the Student Services Manager can help guide a student or employee to the necessary resource.

Complaint Involving Sexual Violence

Complaints are generally initiated by individuals who believe that their rights under this policy have been violated, but any individual may initiate the complaint procedure. In addition, the Institute reserves the right to move forward with a complaint resolution process to protect the safety and welfare of the community, even if the complainant chooses not to make or move forward with a complaint. Generally, the Title IX Coordinator will make a determination of whether the Institute will move forward with a complaint resolution process in the absence of a complaint filed by the complainant. If the Institute decides that it has an obligation to move forward with a complaint resolution process, it will notify the complainant before proceeding. Complaints of sexual misconduct should be made through the Title IX Coordinator, the Student Services office, Human Resources (for employees), or online at <http://aveda.edu/minneapolis/report-harassment/>.

Contact information

- Title IX Coordinator & Student Services Manager Heather Walsh, phone: (612) 378-7433, email: hewalsh@aveda.com

- Human Resources Manager, Meghan Martin, phone: (312) 281-7076, email: memartin@estee.com

Institute's Resolution Process for Complaint Involving Sexual Violence

Complaints of a violation of this Policy received by the Institute will be processed either according to the following Resolution Process for Complaint Involving Sexual Violence or the Formal or Informal Resolution Process for Incidents and Complaints of Sexual Misconduct that Do Not Involve Sexual Violence, depending on the nature of the allegations. The following process shall generally apply to complaints of a violation of this Policy received by the Institute that involve allegations of sexual violence, including sexual assault, dating violence, domestic violence, and stalking, regardless of where the alleged incident occurred.

The Institute's resolution process will be conducted by officials who receive annual training on issues related to sexual harassment, including sexual assault, dating violence, domestic violence, and stalking, and on how to conduct a resolution process that protects the safety of victims and promotes accountability. The annual training includes, but is not limited to, the following topics: legal requirements for handling complaints of sexual misconduct, relevant evidence and how it should be used, proper techniques for questioning witnesses, basic rules for conducting proceedings, avoiding actual or perceived conflicts of interest, and the impact and challenges of trauma in investigating and adjudicating allegations of misconduct.

The complainant and respondent shall be given timely notice of meetings at which the complainant or respondent or both will be present.

a. Advisors

The complainant and the respondent have the right to be assisted by an advisor of their choice, including an attorney, during any institutional disciplinary proceeding or related meeting, as long as the advisor acknowledges in writing the below guidelines for advisors. An advisor who is not a potential witness in the case is recommended.

Guidelines for advisors are:

- The purpose of the advisor is to support a student in the complaint process. Advisors should be chosen for their ability to assist a student with the process.
- Advisors may confer with their advisee, but they may not actively participate in the complaint resolution process. The advisor may accompany the complainant or respondent to all meetings relating to the complaint resolution process. The advisor may not appear in lieu of the complainant or respondent or speak on their behalf in either in-person or written communications to the Institute. The advisor may not communicate directly with the investigator(s), adjudicator(s), appellate officer(s), the Title IX Coordinator, Deputy Title IX Coordinators, or any other school official involved in the complaint resolution process and may not interrupt or otherwise delay the complaint resolution process.
- The investigation file or other information provided to a party in any case may be made available to his or her advisor with the written permission of the involved student who has chosen the advisor, subject to the same limitations as those placed upon the parties and conditioned upon the advisor's agreement to maintain the confidentiality of student education records or other confidential information.
- Violations of confidentiality or other forms of interference with the complaint procedure by the advisor may result in disqualification of an advisor.
- The Institute will provide the parties information regarding the selection of an advisor by another party, including whether the other party's advisor is an attorney.

b. Investigation

Following the submission of a completed complaint form that states a possible violation of this policy, which includes allegations of sexual violence, the Institute will complete a thorough, fair, impartial, and prompt investigation.

1. Appointment of Investigator(s)

The Title IX Coordinator, or his or her designee, will appoint one or more investigators. The complainant and the respondent will be notified in writing of the identities of the investigator(s) assigned to their case. As discussed above, each investigator assigned under this policy will have received, at a minimum, annual training on issues related to sexual violence, including how to conduct an investigation that protects the safety of victims and promotes accountability.

The complainant or respondent may request the removal of an investigator on the grounds of personal bias or other conflict of interest. See "Conflicts" section above. Such requests may be made by submitting a written statement to the Title IX Coordinator setting forth the basis for the challenge no later than two (2) business days after receiving notice of the identity of the investigator(s) assigned to the matter. The Title IX Coordinator will determine whether to accept or deny the challenge. 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 challenge is final and is not appealable.

2. Complainant's Account

The investigator(s) shall interview the complainant to obtain the complainant's account of the alleged misconduct or to verify information the complainant has already provided in his or her report or complaint. In addition, the complainant shall be invited to advise the investigator(s) of any witnesses he/she believes should be interviewed, and/or other evidence that he/she believes should be reviewed by the investigator(s). The investigator(s) may also request additional information from the complainant. The complainant may decide when (or when not) to repeat a description of the alleged misconduct and has the right to decline to participate in the complaint resolution procedure. If at any time the complainant declines to participate in the process, the Institute's ability to meaningfully investigate and resolve a complaint may be limited. In such cases, the Institute will proceed with the complaint resolution procedure, if possible to do so without the complainant's participation, and will make a determination based upon the information available as set forth above in the section entitled, "Non-Participation and Silence."

3. Respondent's Account

In a separate meeting, the investigator(s) shall interview the respondent to obtain the respondent's account of the alleged misconduct. In addition, the respondent shall be invited to advise the investigator(s) of any witnesses he/she believes should be interviewed, and/or other evidence that he/she believes should be reviewed by the investigator(s). The investigator(s) may also request additional information from the respondent. The respondent has the right to decline to participate in the complaint resolution procedure. In such cases, the Institute will proceed with the complaint process and will make a determination based upon the information available as set forth in the above section entitled, "Non-Participation and Silence."

4. Witness Statements, if applicable

The investigator(s) may interview any witnesses who may have information of relevance to the alleged misconduct. The investigator(s) may exercise discretion in the selection of witnesses to be interviewed. The naming of a witness by either party does not obligate the investigator(s) to interview that proposed witness. The investigator may conduct additional interviews with witnesses whose names were provided by individuals other than the complainant and the respondent.

5. Other Evidence, if applicable

The investigator(s) may request and review other evidence of relevance to the alleged misconduct, such as video recordings, photographs, text messages, or other artifacts.

6. Investigator's Summary of the Investigation, if applicable

The investigator(s) may prepare a written summary of the investigation to guide the adjudicator in his or her review of the information gathered during the investigation.

7. Compilation of Investigation File

The investigator(s) shall compile evidence into an investigation file. The investigation file shall consist of any information, documents, recordings, or artifacts that are provided to the adjudicator. Such information may include, as applicable:

- The written complaint;
- The investigator's summary of the investigation.

8. Parties' Review of the Investigation File

The investigation file, and any other information that will be shared with school officials for adjudication of a matter, will be made available for review by the complainant and respondent. Confidential information in the investigation file that cannot be shared with the parties or the adjudicator(s) may be redacted from the file in accordance with applicable federal and state law. The investigation file cannot be copied or removed from the location provided by the Institute for review purposes.

Following review of the investigation file, both parties shall have the opportunity to provide a written statement containing any comments or additional information the parties would like the adjudicator(s) to consider. The written statement shall not exceed 2,000 words in length. The written statement must be submitted within ten (10) calendar days after the investigation file is made available to the parties. The parties shall have an opportunity to review the written statement submitted by the other party and may submit a written rebuttal statement not to exceed 1,000 words in length. The rebuttal statement must be submitted within five (5) calendar days after a party's receipt of the other party's initial written statement.

9. Timing of Investigation

The Institute will attempt to complete the investigation process within twenty (20) business days of the initiation of the complaint, but, as discussed in the Timelines Section above, in some cases more time will be required. For example, if a criminal report has been filed, the Institute's procedures, including any investigation, may be temporarily delayed to allow law enforcement to gather evidence. Such delay may only occur at the request of law enforcement and shall not be any longer than necessary for law enforcement to complete the gathering of evidence. In no case will the Institute wait for the conclusion of a criminal investigation or criminal proceeding to begin its own investigation. Any extension of the investigation process will be no longer than necessary and the reason for the extension will be shared with the parties in writing.

c. Adjudication

Upon completion of the investigation, the Institute Director will review the investigation and make a determination as to whether it is more likely than not that a violation of this Policy occurred, and if so, what sanctions are warranted. The Institute reserves the right to appoint additional adjudicators to assist in making a determination. As discussed in the introduction to the Institute's Resolution Process for Complaint Involving Sexual Violence Section above, each adjudicator assigned under this policy will have received, at a minimum, annual training on issues related to sexual violence, including how to conduct an adjudication process that protects the safety of victims and promotes accountability.

The complainant and the respondent shall receive written notice of the identity of the adjudicator(s) assigned to adjudicate the complaint. The complainant or respondent may request the removal of an adjudicator on the grounds of personal bias or other conflict of interest. See "Conflicts" section above. Such requests may be made by submitting a written statement to the Title IX Coordinator setting forth the basis for the challenge no later than two (2) business days after receiving notice of the identity of the adjudicator(s) assigned to the matter. The Title IX Coordinator will determine whether to accept or deny the challenge. 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 challenge is final and is not appealable.

1. Adjudicator's Review of the Investigation File

The investigation file will be made available to and reviewed by the adjudicator(s) following confirmation

of his, her, or their appointment. The investigation file shall consist of the following: complaint, investigator's summary of the investigation, and the written statements of the parties. Upon review of the investigation file, the adjudicator(s) may, in their discretion, request additional investigation by the investigator(s), or to review specific evidence or information obtained by the investigator.

The Title IX Coordinator will ensure that the complainant and respondent have been given equivalent opportunities to present relevant information for consideration in the investigation and adjudication process. At any time during the investigation and adjudication phases, the Title IX Coordinator may review the investigation summary, written statements of the parties, and other evidence to determine whether additional investigation is necessary, statements and documents received by the investigator are within the appropriate scope of the investigation, and/or information or other evidence contained in the investigation file should be redacted.

2. Determination

The adjudicator(s) will render a decision based upon the investigation file, written statements provided by the parties, and any other information the adjudicator(s) deem appropriate and which is made available to both the complainant and respondent. The Title IX Coordinator is available for consultation, but the Title IX Coordinator will not participate in making a decision. The adjudicator(s) will use a preponderance of the evidence standard ("more likely than not") in determining whether a violation of the policy has occurred.

The determination of the adjudicator(s) may be appealed as provided below. In the event that no appeal is filed within the time periods prescribed below, the decision will be final on the first business day after the appeal window.

3. Sanctions and Remedies

If the decision is made that it is more likely than not that the respondent violated this policy the adjudicator(s) shall determine appropriate sanction(s). The determination will include steps to take to prevent recurrence of any such violations, and as appropriate, remedies for the Complainant. Should the Institute determine that other sanctions are deemed necessary to protect the Institute community, those specific sanctions will be included in following year's Annual Security Report.

Students

Sanctions imposed upon students who are determined to have violated this policy may include the following, depending on the seriousness of the violation. Each of these sanctions may be imposed alone or in combination for a respondent found responsible for sexual misconduct, including for violations of the dating violence, domestic violence, sexual assault, or stalking provisions of this policy:

- warning,
- behavioral contract,
- required attendance at educational programs,
- required assessment or counseling,
- restriction of privileges,
- no future admission,
- conditions upon the individual's presence or campus or at Aveda Institute Minneapolis events,
- no trespass or no contact order(s),
- suspension, ranging from one (1) to sixty (60) days, with reinstatement requirements including behavioral contracts, required attendance at educational programs, required assessment or counseling, and conditions upon individual's presence on campus or at Aveda Institute Minneapolis events,
- involuntary withdrawal, ranging from six (6) days to one (1) year, with reentry requirements including behavioral contracts, required attendance at educational programs, required assessment or counseling, and conditions upon individual's presence on campus or at Aveda Institute Minneapolis events,
- expulsion.

Institute Personnel

Sanctions for Institute personnel deemed to have violated this policy may include the following, depending on the seriousness of the violation. Each of these sanctions may be imposed alone or in combination for a respondent found responsible for sexual misconduct, including for violations of the dating violence, domestic violence, sexual assault, or stalking provisions of this policy:

- performance counseling on appropriate behavior and expectations,
- warning (oral or written),
- awareness letter for employee's file,
- performance improvement plan,
- reference to violation in individual employee performance development plan,
- required attendance at educational programs,
- required assessment or counseling,
- conditions upon individual's presence on campus or at Aveda Institute Minneapolis events,
- no trespass or no contact order(s),
- unpaid suspension, ranging from one (1) day to two (2) years, with reinstatement requirements including behavioral contracts, required attendance at educational programs, required assessment or counseling, and ongoing conditions upon individual's presence on campus or at Aveda Institute Minneapolis events,
- suspension of promotion and salary increments, ranging from six (6) months to two (2) years, with reinstatement requirements including behavioral contracts, required attendance at educational programs, required assessment or counseling, and ongoing conditions upon individual's presence on campus or at Aveda Institute Minneapolis events,
- suspension or withdrawal of privileges, ranging from one (1) day to two (2) years, with reinstatement requirements including behavioral contracts, required attendance at educational programs, required assessment or counseling, and conditions upon individual's presence on campus or at Aveda Institute Minneapolis events,
- change in duties,
- demotion and/or termination of employment,
- ineligibility for rehire following termination.

Third-Parties

Sanctions for third-parties who have been deemed to have violated this policy may include the following, depending on the seriousness of the violation. Each of these sanctions may be imposed alone or in combination for a respondent found responsible for sexual misconduct, including for violations of the dating violence, domestic violence, sexual assault, or stalking provisions of this policy:

- conditions upon the individual's presence on campus or at Institute events,
- no trespass and no contact orders, or
- other steps deemed necessary to protect the Institute community.

Remedies, accommodations and protective measures for the complainant include those listed in the above section, "Interim Measures and Ongoing Accommodations."

4. Notice of Outcome

The parties shall receive a simultaneous written notice of the outcome of the complaint. The notice shall include the determination of the adjudicator(s); where a violation is deemed to have occurred, the sanctions imposed; the rationales for the determination and sanctions, including, how the evidence was weighted, how the information supports the result, and the standard of evidence applied; procedures for appeal and the date by which the result becomes final as provided below; any other steps the Institute has taken to eliminate the conduct and prevent its recurrence; and, in the complainant's notice, remedies offered or provided to the complainant. If the decision is made that there is not sufficient basis to establish that it is more likely than not that a violation of this policy occurred, the parties will be notified of that determination, including the rationale for the result, and the complainant will be informed of other procedures for resolving the complaint and of other resources that may be available to the complainant.

Normally, the Institute will complete the adjudication process and provide a notice of outcome within twenty-five (25) calendar days of completion of the investigation. In some cases, more time may be required.

d. Appeals

Following the parties' receipt of the Notice of Outcome, the complainant or respondent may request an appeal of the decision. The request for an appeal must be submitted in writing to the Title IX Coordinator within five (5) business days of receiving notice of the outcome. Failure to file a timely appeal constitutes a waiver of any right to an appeal.

The basis for an appeal will be limited to the following:

- (i) New or newly discovered evidence which may substantially affect the outcome of the adjudication; or
- (ii) There was a procedural error which substantially affected the outcome of the adjudication.

Appeals should not be requested frivolously. An appeal represents a procedural safeguard for the parties. The burden of proof is on the appealing party to show by a preponderance of evidence that one or more of the above grounds for appeal are satisfied.

If the Title IX Coordinator or his/her designee determines that the appealing party has demonstrated it is more likely than not that one of the above grounds for appeal is satisfied, the matter will be referred to the Executive Director for review of the investigation file. If the grounds for appeal relate to the investigation, or warrant additional investigation, the Executive Director may refer the matter for further investigation before proceeding. Upon review of the matter, the Executive Director shall utilize the same process as required for all adjudications under this policy.

If there is not adequate reason to establish that one or more grounds for appeal have been satisfied, the Title IX Coordinator will dismiss the appeal with written notification to the parties of this decision. This decision is final and is not appealable. If there are adequate grounds for appeal, the Title IX Coordinator or his/her designee will provide simultaneous written notification to the parties to the complaint of his/her determination within 10 business days of the filing of the appeal.

INCIDENTS AND COMPLAINTS OF SEXUAL MISCONDUCT THAT DO NOT INVOLVE SEXUAL VIOLENCE

As discussed above, complaints of a violation of this Policy received by the Institute will be processed either according to the Resolution Process for Complaint Involving Sexual Violence or the following Formal or Informal Resolution Process for Incidents and Complaints of Sexual Misconduct that Do Not Involve Sexual Violence, depending on the nature of the allegations. The following process shall generally apply to complaints of a violation of this Policy received by the Institute, such as allegations of sexual harassment, that do not involve allegations of sexual violence.

The Institute's resolution process will be conducted by officials who receive training and/or have to experience handling matters related to sexual harassment and sexual violence, including how conduct a resolution process that protects the safety of victims and promotes accountability.

Initiation of Complaint

Complaints are generally initiated by individuals who believe that their rights under this policy have been violated, but any individual may initiate the complaint procedure. In addition, the Institute reserves the right to move forward with a complaint resolution process to protect the safety and welfare of the community, even if the complainant chooses not to make or move forward with a complaint. Generally, the Title IX Coordinator will make a determination of whether the Institute will move forward with a complaint resolution process in the absence of a complaint filed by the complainant. If the Institute decides that it has an obligation to move forward with a complaint resolution process, it will notify the complainant before proceeding. When a complaint is made under this policy, the Institute may ask that the report be confirmed in a written and signed complaint form. The Title IX Coordinator or other Institute official is available to assist in the completion of this form. Complaint forms are available from the Title IX Coordinator, the Student Services office, or Human Resources.

Formal and Informal Resolution Options

There are two avenues for resolution of an alleged policy violation in cases that do not involve sexual violence: formal and informal resolution. If a complaint is processed informally, the complainant, respondent or Institute has the option to move the complaint to the formal process at any time. Informal resolution is never appropriate in cases involving allegations of sexual assault.

The Title IX Coordinator is available to explain the informal and formal resolution procedures. In addition, the Title IX Coordinator may also directly refer the matter to other institutional disciplinary procedures. This referral option will generally be used when: (1) the type of behavior that is alleged to have occurred does not constitute a violation of the sexual misconduct policy or (2) the behavior that is alleged to have occurred is better handled under another disciplinary procedure. Every attempt will be made to determine the appropriate option for resolution within five (5) business days of the submission of the complaint.

a. Informal Process and Resolution

If an informal resolution is pursued, the Title IX Coordinator (or her/his designee) will attempt to facilitate a resolution that is agreeable to all parties. Under the informal process, the Institute will only conduct such fact-finding as is useful to resolve the conflict and as is necessary to protect the interests of the parties, the Institute, and the Institute community.

Any party to the complaint has the option to discontinue the informal process and request a formal investigation. The Institute also always has the discretion to initiate a formal investigation. If at any point during the informal process, the complainant, the respondent, or the Institute wish to cease the informal process and to proceed through the formal procedure, the informal process will stop and the formal process outlined below will be invoked.

Any informal resolution must adequately address the concerns of the complainant, as well as the rights of the respondent and the overall intent of the Institute to stop, remedy, and prevent policy violations. To facilitate such a resolution, the Title IX Coordinator will make a recommended resolution that may include

a variety of institutional responses or requirements, including, but not limited to, counseling or education on appropriate behavior, a requirement of behavioral changes, a written warning and/or other disciplinary actions, up to and including termination of employment for employees or suspension or expulsion for students.

If all parties to the complaint and the Institute agree in writing to the terms and conditions of a recommended resolution within five (5) business days, the case will be resolved without further process under this procedure. If all parties to the complaint do not agree in writing to the terms and conditions of the recommended resolution within five (5) business days, the complaint will be referred to the formal process.

b. Formal Process

If a complaint is not processed through the Informal Process, or is not resolved through the Informal Process outlined above, the complaint shall be processed according to the formal procedure outlined below.

1. Investigation

The Institute will complete a thorough, fair and impartial investigation. The investigation will be conducted by one or more investigators appointed by the Title IX Coordinator. At least one investigator shall be appointed for each case. The complainant and the respondent shall receive written notice of the identity of the investigator(s) assigned to investigate the complaint. Either party may request the removal of an investigator on the grounds of personal bias or other conflict of interest. See "Conflicts" section above. Such requests may be made by submitting a written statement to the Title IX Coordinator setting forth the basis for the challenge no later than two (2) business days after receiving notice of the identity of the adjudicator(s) assigned to the matter. The Title IX Coordinator will determine whether to accept or deny the challenge. 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 challenge is final and is not appealable.

The investigator(s) shall interview the complainant, respondent and/or other witnesses and may request additional information from the complainant, respondent or others. In addition, the complainant and respondent shall have an opportunity to advise the investigator(s) of any witnesses they believe should be interviewed, and/or other evidence that they believe should be reviewed by the investigator(s). The investigator may interview witnesses who were not suggested by either party. Normally, the Institute will complete the investigation process within twenty (20) business days of the initiation of the complaint or the referral from the informal process, but in some cases more time will be required.

2. Adjudication

The Institute will complete a thorough, fair, impartial, and timely adjudication process. The complainant and the respondent shall receive written notice of the identity of the adjudicator(s) assigned to adjudicate the complaint and the Title IX Coordinator reserves the right to appoint additional adjudicators to assist in making a determination. Either party may request the removal of an adjudicator on the grounds of personal bias or other conflict of interest. See "Conflicts" section above. Such requests may be made by submitting a written statement to the Title IX Coordinator setting forth the basis for the challenge no later than two (2) business days after receiving notice of the identity of the adjudicator(s) assigned to the matter. The Title IX Coordinator will determine whether to accept or deny the challenge. 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 challenge is final and is not appealable.

The investigation file will be made available to and reviewed by the adjudicator(s) following his, her, or their appointment. Upon review of the investigation file, the adjudicator(s), in consultation with the Title IX Coordinator, may request additional investigation by the investigator(s). The adjudicator(s) will render a decision based upon the investigation file and any other information the adjudicator(s) deems appropriate. While the Title IX Coordinator is available for consultation, the Title IX Coordinator will not participate in making a decision. The adjudicator(s) will use a preponderance of the evidence (or "more likely than not") standard in determining whether a violation of this policy has occurred, and if so, what sanctions are

warranted.

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 parties 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 adjudicator(s) or the adjudicator's designee shall determine appropriate sanction(s). The determination will include steps to take to prevent recurrence of any such violations, and as appropriate, remedies for the complainant. Possible sanctions include counseling or education on appropriate behavior, a requirement of behavioral changes, a written warning and/or other disciplinary actions, up to and including termination of employment for employees or suspension or expulsion for students.

3. Notice of Outcome

The parties shall receive a simultaneous written notice of the outcome of the complaint, to include the determination of the adjudicator(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 the Institute has taken to eliminate the conduct and prevent its recurrence; and, in the complainant's notice, remedies offered or provided to the complainant. Every attempt will be made to complete the adjudication process and provide a Notice of Outcome within twenty-five (25) business days of the completion of the investigation. In some cases more time may be required.

4. Appeals

Following the parties' receipt of the Notice of Outcome, the complainant or respondent may request an appeal of the decision. The request for an appeal must be submitted in writing to the Title IX Coordinator within five (5) business days of receiving notice of the outcome. Failure to file a timely appeal constitutes a waiver of any right to an appeal.

The basis for an appeal will be limited to the following:

- i. New or newly discovered evidence which may substantially affect the outcome of the adjudication; or
- ii. There was a procedural error which substantially affected the outcome of the adjudication.

Appeals should not be requested frivolously. An appeal represents a procedural safeguard for the parties. The burden of proof is on the appealing party to show by a preponderance of evidence that one or more of the above grounds for appeal are satisfied.

If the Title IX Coordinator or his/her designee determines that the appealing party has demonstrated it is more likely than not that one of the above grounds for appeal is satisfied, the matter will be referred to the Executive Director for review of the investigation file. If the grounds for appeal relate to the investigation, or warrant additional investigation, the Executive Director may refer the matter for further investigation before proceeding. Upon review of the matter, the Executive Director shall utilize the same process as required for all adjudications under this policy.

If there is not adequate reason to establish that one or more grounds for appeal have been satisfied, the Title IX Coordinator will dismiss the appeal with written notification to the parties of this decision. This decision is final and is not appealable. If there are adequate grounds for appeal, the Title IX Coordinator or his/her designee will provide simultaneous written notification to the parties to the complaint of his/her determination within 10 business days of the filing of the appeal.

ALTERNATIVE PROCEDURE

Nothing in this policy is intended to interfere with the right of any individual to pursue other avenues of recourse which may include, but is not limited to, filing a complaint with the United States Department of Education's Office for Civil Rights (OCR).

The OCR office for institutions located in Minnesota is:
U.S. Department of Education
Office for Civil Rights
Citigroup Center
500 W. Madison Street, Suite 1475
Chicago IL 60661-4544
Tel: 312.730.1560
TDD: 877.521.2172
Email: OCR.Chicago@ed.gov