

## **Scope**

Interstate Barber School's Sexual Misconduct Policy's scope applies to all acts of sexual misconduct as well as all geographical areas within Interstate Barber School Campuses and their adjacent public properties, defined per Interstate Barber School location per the Clery Act. It covers all Interstate Barber School education programs and Interstate Barber School -sponsored activities, including field trips. Even if the violation did not occur within a Interstate Barber School Campus-related activity or elsewhere but the alleged perpetrator(s) also is a member of the Interstate Barber School community, Interstate Barber School will process all violations and complaints in order to pay consideration to whether the incident has created a hostile educational environment within each Interstate Barber School location. This policy applies to all Interstate Barber School employees and students in all Interstate Barber School program offerings, regardless of each individual's sexual orientation or gender identity. This policy also pertains to third parties who witness or are informed of an alleged sexual misconduct violation. Instances of sexual misconduct are included in the school's reporting of information required under the Clery Act.

Interstate Barber School strongly prohibits any discrimination on the basis of sex in its education programs per Title IX of the Education Amendments of 1972. Prohibited discrimination includes sexual harassment and all types of sexual misconduct and sexual violence, for which definitions of these terms are provided below. Any employee or student with any questions regarding this policy should see the Title IX Coordinator located at their specific Interstate Barber School location. A listing of all Title IX Coordinators serving each location and their contact information is listed below. Should any employee or student feel they have been the victim of sex discrimination of any kind they should see their Campus Title IX Coordinator as soon as possible.

## **Definitions**

*Sexual harassment* is defined as unwelcome advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature, when submission to or rejection of this conduct explicitly or implicitly affects a person's employment or education, unreasonably interferes with a person's work or educational performance, or creates an intimidating, hostile or offensive working or learning environment.

*Consent* is defined as words or voluntary agreement to engage in sexual activity.

- Consent cannot be given by someone who is incapacitated in any way.
- Past consent does not imply future consent.
- Absence of resistance or silence does not imply consent.
- Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another person.
- Consent can be withdrawn at any time for any reason.
- Coercion, force or threat of by either party invalidates consent.

*Incapacitation* is defined as the physical and/or mental inability to make informed, rational judgments. When alcohol is involved, incapacitation is determined by how the alcohol consumed impacts a person, including the person's decision-making capacity, awareness of consequences

and ability to make informed judgments. Incapacitation may also be observed when a person is asleep or unconscious, or because of an intellectual or other disability that prevents the person from having the capacity to give consent.

*Sexual assault* is defined as an offense classified as a forcible or non-forcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation including rape, fondling, incest, or statutory rape. In this and similar contexts, consent is defined as a voluntary, positive agreement between the participants to engage in specific sexual activity. Lack of verbal or physical resistance or submission by the victim resulting from the use of force or threat of force by the accused shall not constitute consent.

- Non-Consensual Sexual Contact: Any intentional touching of the intimate parts of another person, causing another to touch one's intimate parts, removing clothing or exposure of another without consent. Sexual contact also includes attempted sexual intercourse
- Non-Consensual Sexual Intercourse: Any act of sexual intercourse with another individual without consent. Sexual intercourse includes vaginal or anal penetration, however slight, with any body part or object, or oral penetration involving mouth-to-genital contact.

*Domestic Violence* is defined as a felony or misdemeanor crime of 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 living with or has lived with the victim as a spouse or partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which this policy applies, or by any other person against an adult or youth victim who is protected under the domestic or family violence laws of the jurisdiction in which this policy applies. Domestic violence can be physical, sexual, emotional, economic, or psychological actions or threats of actions that influence another person. This includes any behaviors that intimidate, manipulate, humiliate, isolate, frighten, terrorize, coerce, threaten, blame, hurt, injure, or wound someone.

*Dating Violence* is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and when the existence of such a relationship shall be determined based on the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

*Sexual Exploitation* is defined as one person taking sexual advantage of another person for the benefit of any other than that person without that person's consent. Examples include:

- Prostituting another person;
- Recording images (video, photograph) or audio of another person's sexual activity, intimate body parts, nakedness without that person's consent;
- Distributing images (video, photograph) or audio of another person's sexual activity, intimate body parts or nakedness, if the individual distributing the images or audio knows or should have known the person depicted did not consent to the disclosure of such activity;
- Viewing another person's sexual activity, intimate body parts or nakedness in a place where that person would have reasonable expectation of privacy, without that person's consent and for the purpose of arousing sexual desire.

*Stalking* is defined as a pattern of repeated and unwanted attention, harassment, contact, or any other course of 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.

*Retaliation* is defined as intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's informal or formal complaint or participation in a school or the U.S. Department of Education, Office for Civil Rights (OCR) investigation or proceedings related to sexual violence or other civil rights concerns. Federal civil rights laws, including Title IX, make it unlawful to retaliate against an individual for the purpose of interfering with any right or privilege secured by these laws.

**Discrimination and exclusion** Schools must not discriminate against any student, or exclude any student from their education program or activity, including any class or extracurricular activity, based on a student's pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom. 34 C.F.R. § 106.40(b)(1). A school also must not discriminate against or exclude from employment any employee or employment applicant on these bases. 34 C.F.R. § 106.57(b). Medical and other benefits and services Schools must treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom the same as any other temporary disability with respect to any hospital or medical benefit, service, plan, or policy for students. 34 C.F.R. § 106.40(b)(4). For employees, schools must treat pregnancy and the same related conditions, including termination of pregnancy, as well as any temporary disability resulting therefrom, as any other temporary disability for all job-related purposes, including employment-based medical, hospital, and other benefits. 34 C.F.R. § 106.57(c).

**Leave policy** If a school does not have a leave policy for students, or the student does not otherwise qualify for leave under the policy, a school must provide leave to a student for pregnancy, childbirth, false pregnancy, termination of pregnancy, or recovery therefrom, for as long as the student's physician deems medically necessary. After that leave, the student must be reinstated to the status the student held when the leave began. 34 C.F.R. § 106.40(b)(5). For employees, if a school does not have a leave policy, or if an employee has insufficient leave or accrued employment time to qualify for leave under the school's policy, the school must treat pregnancy, childbirth, false pregnancy, termination of pregnancy, and recovery therefrom as a justification for a leave of absence without pay for a reasonable period of time. After that time, the employee must be reinstated to the employee's preleave status or to a comparable position without reduction of compensation or loss of promotional opportunities or any other employment rights or privileges. 34 C.F.R. § 106.57(d). In addition, schools must treat pregnancy and the same related conditions and any temporary disability resulting therefrom as any other temporary disability for commencement, duration, and extensions of leave, payment of disability income, accrual of seniority and any other benefit or service, and reinstatement, along with other employment-based benefits. 34 C.F.R. § 106.57(c). Additional information for students, parents and guardians, and schools OCR's Supporting the Academic Success of Pregnant and Parenting Students Under Title IX of the Education Amendments of 1972 (2013, first published in 1991) (OCR Pamphlet), [www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf](http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf), also has useful information about the rights of students and the obligations of schools under Title IX to students who are pregnant or experiencing or recovering from pregnancy-related conditions, including termination of pregnancy. Examples include:

Title IX protects students against harassment by school employees or other students because of their pregnancy and related conditions. OCR Pamphlet at 8. A school must ensure that its teachers' policies and practices do not discriminate against students because of pregnancy and related conditions. For example, a teacher may not refuse to allow a student to submit work after missing a deadline because of absences due to pregnancy or childbirth. Additionally, if a teacher's grading is based in part on class attendance or participation, the student should be allowed to earn the missed credits and be reinstated to the student's pre-leave status. OCR Pamphlet at 11.

Students, employees, or applicants for employment who believe they may have been discriminated against based on pregnancy or related conditions, including termination of pregnancy, may file a complaint through their school's grievance procedures. Every school district and postsecondary institution covered by Title IX is required to prominently display – on its website and in student and employee handbooks and catalogs – contact information for the Title IX Coordinator, who is responsible for overseeing all Title IX complaints, including for discrimination based on pregnancy and related conditions. 34 C.F.R. § 106.8(b)(2). In addition, anyone can file a complaint with OCR, including students, parents and guardians, employees, community members, and others who experience or observe discrimination in education programs or activities based on sex, including pregnancy and related conditions, as well as based on race, color, national origin, disability, and age. To file a complaint, please use this online form: [www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html). Under OCR's Case Processing Manual, complaints typically must be filed within 180 days of when the discrimination took place. To ask OCR to provide language access services or resources, which may include oral technical assistance or written translation of a publicly available OCR document, free of charge, contact us at 1-800-421-3481 (TDD: 1-800-877-8339), or email us at [OCR@ed.gov](mailto:OCR@ed.gov). If you would like more information about the Department's interpretation or translation services, please call 1-800-USA-LEARN (1-800-872-5327) (TTY: 1-800-437-0833) or email [Ed.Language.Assistance@ed.gov](mailto:Ed.Language.Assistance@ed.gov). To request documents in alternate formats such as Braille or large print, please contact the Department at 202-260-0852 or [om\\_eeos@ed.gov](mailto:om_eeos@ed.gov). Please note that this resource does not have the force and effect of law. OCR's enforcement of Title IX stems from Title IX and its implementing regulations.

## **Title IX Coordinator**

Interstate Barber School has a Title IX Coordinator designated to comply with and carry out the responsibilities of Interstate Barber School under Title IX of the Education Amendments of 1972, which prohibits sex discrimination in the education programs and activities. Any inquiries regarding Title IX should be addressed with the Title IX Coordinator (Names and contact information for Title IX Coordinator at each Interstate Barber School location is listed below). If an alleged case of sexual misconduct is brought to the attention of a Title IX Coordinator via a victim, third party or responsible employee, the Title IX Coordinator will take immediate and effective measures to address and investigate the alleged incident of sexual misconduct. The Title IX Coordinator will assist in preventing a potential hostile environment, which interferes with students' ability to benefit from the education offered at Interstate Barber School. Whether a harassed student or employee, parent of a student or a third party files a complaint under the Interstate Barber School's grievance procedures or requests action on the student or employee's behalf, the Title IX Coordinator that knows, or reasonably should know about a possible instance

of sexual misconduct must immediately investigate what occurred and then take appropriate steps to resolve the issue.

The Title IX Coordinator is responsible for overseeing Interstate Barber School's response to Title IX reporting and complaints. The Title IX Coordinator will also address any patterns or systemic problems which are revealed through complaints or reports on incidents. The Title IX Coordinator is responsible for initiating, coordinating and documenting actions taken during Title IX investigations against the perpetrator and support for the victim.

The remainder of the Sexual Misconduct policy will refer to the Title IX Coordinator and his/her responsibilities to support the employees and students of Interstate Barber School.

***Title IX Coordinator Name and Contact Information:***

**Name: Rodney Pouncey**

**Address 4200 South Freeway Suite #3b-113**

**Fort Worth, TX. 76115**

**Phone Number 682-433-6824**

**Email fwbarberschool@gmail.com**

**Confidentiality**

Interstate Barber School urges victims to seek help and support if they are a victim of sexual misconduct in anyway. Although Interstate Barber School does not offer professional or pastoral counseling services it will offer support as needed to refer a victim to an appropriate source of help. Interstate Barber School will always follow applicable state and federal laws in respect to the support the Campus offers the victim.

Interstate Barber School confidentiality policy pertains to maintaining and properly addressing each individual report of sexual misconduct. Refer to Interstate Barber School Confidentiality Policy for a complete description. Interstate Barber School encourages any employee or student to talk to someone about what happened in order to obtain appropriate support. A victim may report the offense to a “responsible employee” who, at the Interstate Barber School Campus level could be an educator or a Campus Security Authority, (an employee in a leadership position) who at the Interstate Barber School Campus level may include the Campus Director (or equivalent), the Education Supervisor, the Enrollment Advisor (or equivalent), and the Student Success Advisor, as applicable. Before a victim shares any information with a responsible employee, the victim should be made aware the responsible employee has an obligation to report the incident to the Title IX Coordinator.

If the victim would like to remain confidential or requests the incident not be investigated the victim shall be of the understanding that the Interstate Barber School Campus must evaluate if the incident compromises its ability to provide a safe, non-discriminatory environment for all

employees and students which includes the victim of the incident. Should a student seek out the support of a responsible employee, the responsible employee is obligated to report to the Title IX Coordinator all important details about the alleged incident shared by the victim and the Title IX Coordinator will gather all facts in order to take immediate and appropriate steps to investigate what happened and support a fair and prompt resolution.

Please note, if Interstate Barber School determines that an alleged perpetrator(s) poses an immediate threat to the Interstate Barber School Campus environment, the Title IX Coordinator and/or CSA may be required to issue a notice of timely warning to the Campus employees and students. Interstate Barber School will not include any information that identifies the victim of the incident in its warning.

Interstate Barber School will obtain consent and inform the victim (or the victim's parents or legal guardians if the victim is under 18) prior to beginning an investigation of sexual misconduct of any kind. If the victim requests confidentiality or requests the investigation not be pursued, Interstate Barber School will take all reasonable steps to maintain the confidentiality request or request to not pursue the investigation. If a victim requests that his or her name or any other personally identifiable information not be disclosed to the alleged perpetrator, Interstate Barber School will inform the victim that its ability to respond to the instance of reported sexual misconduct may be limited. Even if the University can't take disciplinary action against the alleged perpetrator because the victim insists on confidentiality, it will pursue other steps in order to limit effects of the alleged incident of sexual misconduct and prevent any reoccurrence. If Interstate Barber School cannot ensure confidentiality, Interstate Barber School will inform the victim. Interstate Barber School prohibits retaliation in all instances of reported sexual misconduct, and Interstate Barber School will take steps to prevent retaliation as well as strong responsive action if any form of retaliation occurs.

### **Options for Assistance**

If any individual (student or employee) is a victim of any type of sexual misconduct, his or her first priority should be to locate a place of safety and obtain any necessary medical treatment. Interstate Barber School strongly advocates that a victim of these offenses reports the incident and seek immediate assistance. Time is a critical factor for evidence collection and preservation for the proof of a criminal offense. An assault should be reported directly to local authorities at the non-emergency number, listed below. In an emergency, dial 911. The Title IX Coordinator should also be notified (even if made aware by Interstate Barber School Campus responsible employee). Upon request, the Title IX Coordinator will assist victims in reporting incidents of these offenses to local police and will work to protect the confidentiality of the victim(s), as desired. Filing a police report will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers.

List of Police Non-Emergency Phone Numbers, by Interstate Barber School location:

- Richton Park Police Department Non-Emergency - (708)481-8991

Link to enter zip code in order to obtain local resources: <https://www.notalone.gov/resources/>

If desired for student or employee victims of the above offenses, Interstate Barber School will assist victims in changing their academic, living, transportation and/or working situations,

regardless of whether the victim chooses to report the crime to local law enforcement, if such changes are reasonably available. Interstate Barber School does not offer professional or pastoral counseling, but the Title IX Coordinator at each Interstate Barber School location will provide immediate contact information for local assistance resources and other support to facilitate victim safety and wellness and strongly encourages any victim to utilize the many resources that are available, including:

- National Sexual Assault Hotline: 1-800-656-HELP
- Rape, Abuse, Incest National Network: <http://www.rainn.org/>
- National Domestic Violence Hotline: 1-800-799-7233
- Not Alone.gov: <https://www.notalone.gov/resources/>

Per the Student Right to Know Act, schools must notify their students as to where they may obtain information regarding registered sex offenders in their area. Accordingly, students (and associates) are encouraged to utilize the following links that lead to private, federal and state resources on the topic:

- Megan's Law: <https://www.meganslaw.com>
- U.S. Department of Justice: <http://www.nsopw.gov/Core/Portal.aspx>
- National Sex Offender Info: <http://www.fbi.gov/hq/cid/cac/registry.htm>

Interstate Barber School believes the best method to address the above offenses is to prevent them from happening in the first place. Prevention requires all individuals to be educated, aware and diligent. To assist in this prevention effort, Interstate Barber School does the following:

- - Educate new students (during new student orientation) and associates (during new associate orientation) about these offenses, including what they are and what to do if they have been victimized or have seen or heard about someone else being victimized.

As with other forms of harassment, individuals who believe they are victims of sexual harassment should make it clear to the source(s) of the harassment that such behavior is offensive to them. If the behavior continues, document the matter and refer it to a responsible employee, which includes CSAs.

### **Protocol to Report a Grievance**

Should an employee, student, third party or parent/guardian (if the student is under 18 years of age) need to report a violation of sexual misconduct, he/she should file the grievance with the Title IX Coordinator at the Interstate Barber School location where the employee works or the student attends. Typically, the report is initiated by the victim who feels their rights under this policy have been violated. The grievance can also be filed with a responsible employee as described above, and the responsible employee will relay to the Title IX Coordinator. Interstate Barber School will accept anonymous reports of violations, and the individual reporting the incident is encouraged to provide as much detail as possible to allow Interstate Barber School to investigate the situation and respond appropriately. In cases of anonymous reporting, Interstate Barber School may be limited in its ability to investigate the violation unless sufficient

information is provided to enable the University to conduct a complete and fair investigation or take the appropriate actions. The Title IX Coordinator may ask the victim to confirm their report in writing and sign a complaint form. Complaint forms are available from the Title IX Coordinator or Campus Director. Once a grievance is reported, the Title IX Coordinator will request consent to proceed with investigation of the grievance from the victim. Should the victim request the grievance remain confidential or not to be investigated, the Title IX Coordinator will need to evaluate the grievance and determine if the request can be honored.

### **Investigation Procedures**

Interstate Barber School imposed sanctions are additional to any legal actions taken by local, state or federal authorities. Individuals who are found to be participating in any of the offenses outlined above will be subject to an institutional disciplinary proceeding action, including but not limited to suspension or termination. To adjudicate these cases, Interstate Barber School will engage members of the Interstate Barber School Executive Team (the “Disciplinary Committee”) to lead the disciplinary action proceeding, which will provide a prompt, fair and impartial investigation and resolution. The Disciplinary Committee will be knowledgeable on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. In addition, the Disciplinary Committee will be “current” in topics of domestic/dating violence, sexual assault and stalking, having participated in annual training on these topics.

Once the Disciplinary Committee is in receipt of the grievance, a member of the committee will respond within 2 business days. Within 10 additional business days, the Disciplinary Committee will conduct the investigation and provide actions and /or resolutions taken. Throughout this process, both the victim and the alleged perpetrator, as applicable, will be entitled to the same opportunities to have others, including an advisor, present during the proceeding. Further, both the victim and the alleged perpetrator must be simultaneously informed, in writing, of the outcome of such a proceeding, Interstate Barber School procedures for the alleged perpetrator and the victim to appeal the results of the proceeding, any change to the results that occurs prior to the time that such results become final, and when such results become final.

Guidance for the creation of Interstate Barber School Sexual Misconduct Policy, Confidentiality Policy and Title IX Coordinator Responsibilities was taken from the following sources:

- NotAlone.gov: Together Against Sexual Assault (United States Federal Government Site for Sexual Abuse Prevention)
- Any questions about this policy should be addressed to the Title IX Coordinator at the applicable Interstate Barber School location.