

# *Alexander Paul*

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## INSTITUTE OF HAIR DESIGN

### Title IX Policy

#### Introduction

Alexander Paul Institute of Hair Design is committed to an educational and work environment for all students and staff free of sex discrimination including sexual harassment which is prohibited by state and federal laws including Title IX of the Education Amendments of 1972 ("Title IX").

Alexander Paul Institute does not discriminate on the basis of sex in its hiring, admissions, operations, employment, extracurricular activities, or its educational activities.

#### Purpose & Scope

This policy describes how Alexander Paul Institute responds to allegations of sex discrimination and sexual harassment prohibited under Title IX. The policy requires that the institution will respond promptly and supportively to persons alleged to be victimized by sexual harassment, resolve allegations of sexual harassment promptly and accurately under a predictable, fair grievance process that provides due process protections to alleged victims and alleged perpetrators of sexual harassment, and effectively implement remedies for victims. This policy covers sexual harassment within the scope of the school's educational programs and operational activities.

#### Prohibited Conduct

Sexual harassment is prohibited. Sexual harassment includes:

- Unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature by an employee, by another student, or by a third party.
- Unwelcome conduct of a sexual nature, or other unwelcome conduct on the basis of sex that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to education.
- Quid pro quo sexual harassment:
  - A school employee conditions education benefits on participation in unwelcome sexual conduct.
  - Submission to such conduct is either an explicit or implicit term or condition of employment/enrollment (e.g., promotion, training, timekeeping or overtime assignments).
  - Submission to or rejection of the conduct is used as a basis for making employment and educational decisions (hiring, promotion, termination).
  - The conduct has the purpose or effect of interfering with an individual's work performance and education or creating an intimidating, hostile, or offensive work environment.
- Acts of sexual violence defined in the Clery Act and Violence Against Women Act (VAWA) that include:
  - Domestic Violence
  - Dating Violence
  - Sexual Assault
  - Stalking

Definitions of acts of sexual violence and other key terms are contained later in this policy.

#### Anti-Retaliation

Retaliation is prohibited against any individual for the purpose of interfering with any right or privilege secured by Title IX or this policy, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy.

Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this policy, constitutes retaliation. The exercise of rights protected under the First Amendment does not constitute retaliation. Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance proceeding does not constitute retaliation. A determination regarding responsibility as a result of a proceeding alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Except as may otherwise be required by law or permitted by FERPA, Alexander Paul Institute will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness.

### **Policy Dissemination**

This policy is disseminated in published school documents and publications, links in school publications, an annual notification, on the institution's website, in student and staff orientations, and other appropriate means of dissemination.

### **Title IX Coordinator**

Alexander Paul Institute of Hair Design has designated and authorized the following Title IX Coordinator to coordinate the institution's efforts to comply with Title IX responsibilities:

**Alex Naoum, Title IX Coordinator**  
Alexander Paul Institute of Hair Design  
1011 Charles Blvd Ste A  
Greenville, NC 27858  
Phone: 252-830-5536 Ext 2  
Email: [alex@alexanderpaul.edu](mailto:alex@alexanderpaul.edu)

Reports of sex discrimination and sexual harassment should be made to the Title IX Coordinator. The Title IX Coordinator can also answer questions and offer guidance in regard to the institution's Title IX Policy.

### **Reporting Sex Discrimination and Sexual Harassment Complaints**

Complaints of sex discrimination and sexual harassment should be made to the Title IX Coordinator. Victims may also file a report with the Greenville Police Department. A complainant can choose for an investigation to occur through the procedures in this policy, through the criminal justice system, or both.

Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by e-mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report. Such a report may be made at any time, including during non-business hours, by using the telephone number or e-mail address, or by mail to the office address, listed for the Title IX Coordinator. If the complaint is against the Title IX Coordinator, the Campus Director will be appointed to Deputy Title IX Coordinator and will assume the responsibilities of the Title IX Coordinator for such a complaint.

### **Institution's Response to Complaints**

The institution gains actual knowledge of sexual harassment or allegations of sexual harassment when notice is given to the institution's Title IX Coordinator (preferred), to the Campus Director, or to the CCO. No other school staff members have the authority to institute corrective measures on behalf of the school. Upon gaining actual knowledge of an allegation of sexual harassment, the Title IX Coordinator will respond promptly to Title IX sexual harassment in a manner that is reasonable in light of the known circumstances in the following way regardless of whether a Formal Complaint is filed:

- Offer supportive measures to the alleged victim ("complainant")
- Promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- Follow Alexander Paul Institute's Title IX Grievance Process (detailed below) before the imposition of any disciplinary sanctions or other actions that are not supportive measures, against a respondent.
- Not restrict rights protected under the U.S. Constitution, including the First Amendment, Fifth Amendment, and Fourteenth Amendment, when complying with Title IX
- Investigate sexual harassment allegations in any formal complaint, which can be filed by a complainant, or signed by a Title IX Coordinator.
- Respect a complainant's wishes with respect to whether the school investigates unless the Title IX Coordinator determines that signing a formal complaint to initiate an investigation over the wishes of the complainant is not clearly unreasonable in light of the known circumstances.
- If a formal complaint does not meet the definition of sexual harassment under Title IX, did not occur in the school's education program or activity against a person in the United States, the school must dismiss such allegations for purposes of Title IX but may still address the allegation under the school's code of conduct for students or staff.

### **Title IX Grievance Process**

Alexander Paul Institute has established this consistent and transparent grievance process for resolving Formal Complaints of Title IX Sexual Harassment. The process:

- Treats complainants equitably by providing remedies any time a respondent is found responsible.

- Treats respondents equitably by not imposing disciplinary sanctions without following the grievance process.
- Provides remedies, which are required to be provided to a complainant when a respondent is found responsible, are designed to maintain the complainant's equal access to education and may include supportive measures defined in this policy; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent and instead may be punitive disciplinary sanctions. For respondents found responsible, remedies include loss of privileges, suspension, demotion, and termination of enrollment or employment.
- Requires objective evaluation of all relevant evidence, inculpatory and exculpatory, and avoid credibility determinations based on a person's status as a complainant, respondent, or witness.
- Requires Title IX personnel (Title IX Coordinators, investigators, decision-makers, people who facilitate any informal resolution process) to be free from conflicts of interest or bias for or against complainants or respondents.
- Requires Title IX personnel to receive training on the definition of sexual harassment, the scope of the school's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-makers receive training on any technology to be used in a live hearing. The school's decision-makers and investigators receive training on issues of relevance, including how to apply the rape shield protections provided only for complainants. Materials used to train Title IX personnel are posted to the institution's website, and the school will make available materials for members of the public to inspect.
- Presumes that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- Includes reasonably prompt time frames for conclusion of the grievance process, including appeals and informal resolutions. Short-term, good cause delays or extensions of the time frames can be determined by the Title IX Coordinator and documented as part of the Grievance Process.
- Describes the range, or list, the possible remedies a school may provide a complainant and disciplinary sanctions a school might impose on a respondent, following determinations of responsibility.
- Uses the clear and convincing evidence standard for all formal complaints of sexual harassment including where employees and faculty are respondents.
- Does not use, rely on, or seek disclosure of information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

### **Investigation**

Upon receipt of a Formal Complaint, the school must initiate an investigation. The investigation proceeds as follows:

1. Upon receipt of the complaint, the Title IX Coordinator promptly sends a written notice to both parties (complainants and respondents) of the allegations.
2. The Title IX Coordinator serves as the Investigator and begins gathering evidence. The burden of proof is on the school and not the parties. The Investigator cannot access or use a party's private medical, psychological, or similar treatment records unless the school obtains the party's voluntary, written consent to do so.
3. Each party is notified of their equal opportunity to present fact and expert witnesses and other inculpatory and exculpatory evidence. They are also notified that each party can select an advisor of their choice who may be, but need not be, an attorney.
  - a. The school does not restrict the ability of the parties to discuss the allegations or gather evidence and does not issue any gag orders.
4. The Investigator conducts evidence gathering as appropriate and sends a written notice of any investigative interviews, meetings, or hearings.
5. The Investigator may, at their discretion, consolidate Formal Complaints where the allegations arise from the same facts.
6. The Investigator sends to the parties and their advisors evidence directly related to the allegations in electronic format or hard copy and allows 10 days for the parties to inspect, review, and respond.
7. The Investigator receives the responses and creates an investigative report that fairly summarizes the relevant evidence.
8. No later than 45 days after the written notice of allegations is received by the parties, the Investigator sends in electronic format or hard copy the investigative report to both parties and their advisors and allows 10 days for a response from the parties.

### **Dismissal**

If a Formal Complaint is dismissed, the Title IX Coordinator will give the parties written notice of the dismissal (mandatory or discretionary) and the reasons for the dismissal. Complaints may be dismissed as follows:

- Alexander Paul Institute must dismiss allegations of conduct that do not meet the Title IX definition of sexual harassment or did not occur in the school's education program or activity against a person in the U.S. Such dismissal is only for the Title IX Grievance Process and does not preclude the school from addressing the conduct according to the school's policies and code of conduct for students and for staff.
- Alexander Paul Institute may, at its discretion, dismiss a formal complaint or allegations therein if:
  - The complainant informs the Title IX Coordinator in writing that the complainant desires to withdraw the formal complaint or allegations therein, or

- The respondent is no longer enrolled or employed by the school, or
- Specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

### **Live Hearing with Cross-Examination**

All investigations require a live hearing presided by the Decision-Maker, who cannot be the Title IX Coordinator or the Investigator. The live hearing can occur where parties are in the same geographic location or via virtual Teleconferencing. The Decision-Maker must be trained in the online teleconferencing tool used. At the request of either party, the school will provide for the entire live hearing (including cross-examination) to occur with the parties located in separate rooms with technology enabling the parties to see and hear each other. The school will save an audio or audiovisual recording of the live hearing.

Rape shield protections are provided for complainants, deeming irrelevant questions and evidence about a complainant's prior sexual behavior unless offered to prove that someone other than the respondent committed the alleged misconduct or offered to prove consent.

Cross-examinations at the live hearing must be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally. Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the Decision-Maker must first determine whether the question is relevant and explain to the party's advisor asking cross-examination questions any decision to exclude a question as not relevant. If a party does not have an advisor present at the live hearing, the school will provide, without fee or charge to that party, an advisor of the school's choice who may be, but is not required to be, an attorney to conduct cross-examination on behalf of that party.

The live hearing takes place as follows:

1. The Investigator presents the Investigative Report and responses from the parties, which are provided to the parties and the Decision-Maker before the hearing.
2. The complainant or their advisor presents their argument.
3. The respondent's advisor asks the complainant relevant questions and follow-up questions, including those challenging credibility.
4. The Decision-Maker asks relevant questions.
5. The respondent or their advisor presents their argument.
6. The complainant's advisor asks the respondent relevant questions and follow-up questions, including those challenging credibility.
7. The Decision-Maker asks relevant questions.
8. Witnesses are called starting with the complainant's, then the respondent's, then others the Decision-Maker or Investigator have called
  - a. The Decision-Maker asks relevant questions
  - b. The party calling the witness asks questions
  - c. The other party's advisor asks relevant questions and follow-up questions, including those challenging credibility.
  - d. The Decision-Maker asks any further relevant questions
9. Parties can make closing statements starting with the respondent.

If a party or witness does not submit to cross-examination at the live hearing, the Decision-Maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the Decision-Maker cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.

### **Written Determination**

The Decision Maker issues a written determination within 15 days of the hearing utilizing the clear and convincing evidence standard for complaints against both students and staff of the institution. The Decision-Maker issues a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, any disciplinary sanctions imposed on the respondent, and whether remedies will be provided to the complainant. Sanctions and remedies are based on the facts of the case, the seriousness of the infraction, consistency with other occurrences, and ability to protect the complainant or campus community.

The written determination is sent simultaneously to the parties along with information about how to file an appeal. A Written Determination will become final and binding when an appeal is no longer timely and the Grievance Process is considered concluded.

Remedies offered as part of the written determination are based on the relevant factors of the investigation and hearing, such as the type of sexual harassment, the circumstances of the event or occurrence, the respondent's state of mind (such as negligence vs intentional action), the respondent's disciplinary history, the impact of the offense on the victim or campus community, and other relevant factors. Remedies can include:

- Termination of enrollment or employment
- Short- or long-term suspension
- Short- or long-term suspension with/without pay for staff
- Demotion of staff or reassignment
- Disciplinary probation
- Revocation of privileges
- Issuing "no contact" orders
- Warning
- Mandated education, training, and/or counseling

### **Appeals**

Both parties can appeal a determination regarding responsibility, a dismissal of a formal complaint or any allegation therein on the following basis:

- Procedural irregularity that affected the outcome of the matter
- Newly discovered evidence that could affect the outcome of the matter, and/or
- Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.

Parties must appeal within 7 days of the notice of dismissal or determination. The Title IX Coordinator must receive a written notice of appeal that details the reason allowed herein for appeal and statement(s) or evidence supporting this reason for appeal. A written notice of the appeal, including the appeal documents, will be submitted to the non-appealing party, which will have 7 days to submit a response. An Appeal Decision-Maker, who cannot be the Investigator, the original Decision-Maker, or the Title IX Coordinator, will review the appeal and response (if applicable). If the Appeal Decision-Maker decides a change in the original determination is appropriate, the school may issue a revised determination or return the matter for an additional investigation and hearing. If both parties appeal, both appeals will be reviewed concurrently. The appeal decision will be made within 15 days of the submission of the appeal and a written appeal determination will be sent to both parties simultaneously. Appeal decisions are final.

### **Informal Resolution**

Alexander Paul Institute, at its discretion, may offer and facilitate informal resolution options, such as mediation or restorative justice, so long as both parties give voluntary, informed, written consent to attempt informal resolution. A school official facilitating an informal resolution will be trained. The school will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to a formal investigation and adjudication of formal complaints of sexual harassment. The school will not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint. The school will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

### **Title IX Definitions**

The definitions included in this section are provided so that recipients, students, and employees clearly understand how Alexander Paul Institute must respond to sexual harassment incidents in a way that supports the alleged victim and treats both parties fairly:

**Complainant** - An individual who is alleged to be the victim of conduct that could constitute sexual harassment. Any third party as well as the complainant may report sexual harassment. While parents and guardians do not become complainants (or respondents), parents and guardians have the legal rights to act on behalf of parties (including by filing formal complaints) in Title IX matters.

**Respondent** - An individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Formal Complaint** - A document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the school investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the school with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information for the Title IX Coordinator herein. The phrase "document filed by a complainant" means a document or electronic submission (such as by e-mail or through an online portal provided for this purpose by the school) that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint. Where the Title IX

Coordinator signs a formal complaint, the Title IX Coordinator is not a complainant or a party during a grievance process and must be free from conflicts and bias.

**Supportive Measures** - Individualized services reasonably available that are nonpunitive, non-disciplinary, and not unreasonably burdensome to the other party while designed to ensure equal educational access, protect safety, or deter sexual harassment. The school's selection of supportive measures and remedies are based reasonable in light of the known circumstances. Supportive measures are maintained as confidential to the extent that maintaining confidentiality would not impair the school's ability to provide the supportive measures. Supportive measures may change over time. Supportive measures may include:

- Counseling
- Modifications of class or work schedules
- Course related adjustments including extensions of deadlines
- Campus or parking lot escort services
- Restrictions of contact
- Changes of work areas or assignments
- Leaves of absence
- Increased security or monitoring of broad or specific areas
- Other comparable and similar measures

### **VAWA Definitions**

Alexander Paul Institute of Hair Design prohibits domestic violence, dating violence, sexual assault, and stalking. The definitions of the terms follow.

**Domestic Violence** - a felony or misdemeanor crime of violence committed by—

- a current or former spouse or intimate partner of the victim,
- a person with whom the victim shares a child in common,
- a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies [under VAWA], or
- any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

In North Carolina Domestic Violence includes the following criminal offenses: Simple Assault (NCGS 14-33(a)), Assault inflicting Serious Injury (NCGS 14-33(c)(1)), Assault on a Female (NCGS 14-33(c)(2)), Assault by Pointing a Gun (NCGS 14-34) or Violation of a Domestic Violence Protection Order (NCGS 50B-4.1).

**Dating Violence** - violence committed by a person—

- who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- where the existence of such a relationship shall be determined based on a consideration of the following factors:
  - the length of the relationship;
  - the type of relationship; and
  - the frequency of interaction between the persons involved in the relationship.

In North Carolina, dating violence includes the criminal offense of Violation of a Domestic Violence Protection Order (NCGS 50B-4.1).

**Sexual Assault** – means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the FBI:

**Forcible Sex Offenses** - Any sexual act directed against another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent.

- Forcible Rape—The carnal knowledge of a person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because of his/her youth).
- Forcible Sodomy—Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- Sexual Assault With An Object—The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
- Forcible Fondling—The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will; or, not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

**Nonforcible Sex Offenses** - Unlawful, nonforcible sexual intercourse.

- Incest—Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape—Nonforcible sexual intercourse with a person who is under the statutory age of consent. The age of consent in North Carolina is 16.

Sexual Assault in the State of North Carolina includes the following criminal offenses: Forcible Rape (NCGS 14-27.2/NCGS 14-27.3), Statutory Rape, (NCGS 14-27.2(a)(1)/NCGS 14-27.7A) Forcible Sexual Offense (NCGS 14-27.4/NCGS 14-27.5), Statutory Sexual Offense (NCGS 14-27.4 (a)(1) NCGS 14-27.7A(a)), Sexual Activity by a Substitute Parent/by a Custodian/with a Student (NCGS 14-27.7), Indecent Liberties with a Child/between Children/with a Student (NCGS 14-202.1/NCGS 14-202.2/NCGS 14-202.4), Sexual Battery (NCGS 14-27.5A), Solicitation of a Child by Computer to Commit an Unlawful Sex Act (NCGS 14-202.3).

**Stalking** - engaging in a 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 suffer substantial emotional distress.

In North Carolina, stalking includes the following criminal offenses: Stalking (NCGS 14-277.3), Cyberstalking (NCGS 14-196.3) and Violation of a Domestic Violence Protective Order (NCGS 50B-4.1).

**Consent** means knowing, clear, and voluntary approval by word or actions to engage in sexual activity. The decision must be made freely by all participants. Silence or lack of resistance does not imply consent. Consent is not expressed when someone:

- is forced, threatened, pressured, intimidated, manipulated, or has reasonable fear that he/she or another will be injured if he/she does not submit to or engage in the sexual activity;
- is unable to give Consent or is prevented from resisting due to sleep, involuntary physical restraint, unconsciousness, or the influence of drugs or alcohol; or
- has a mental or physical disability that inhibits his or her ability to give Consent.

#### **Recordkeeping**

Records pertaining to the Title IX Policy are retained for 7 years.