



TITLE IX POLICY

Brown Aveda Institute (the “Institute”) is committed to providing a work and educational environment free of unlawful harassment, discrimination, and retaliation. In accordance with Title IX of the Education Amendments of 1972, the Institute does not discriminate on the basis of sex in its education programs or activities, which extends to admission and employment. The Institute also prohibits Sexual Harassment (as defined below) committed against persons in the United States as part of its education programs or activities.

If you believe that you have experienced or witnessed other incidents of sexual misconduct or discrimination, please follow the procedures outlined in the Institute’s Code of Conduct Policy.

The Institute reserves the right to make changes to this policy as necessary, and once those changes are posted online, they are in effect. If government laws, regulations or court decisions change requirements in a way that affects this policy, the policy will be construed to comply with the most recent government regulations or holdings.

Title IX Coordinator

The Title IX Coordinator coordinates the Institute’s efforts to comply with its Title IX responsibilities.

Title IX Coordinator:

Mentor Campus: Barbara Bader, Corporate Director of Student Services, 8816 Mentor Ave., Mentor, OH 44060 (440)255-9494, Ext. 122, bbader@brownaveda.com

Strongsville Campus: Rachel Carr, Institute Director, 17901 Southpark Center, Space 160, Strongsville, OH 44136 (440)255-9494, Ext. 109, rcarr@brownaveda.com

The Title IX Coordinator is responsible for implementing the Institute’s Title IX policy, intaking reports and Formal Complaints of Sexual Harassment, providing supportive measures and maintaining accurate Clery Act crime statistics.

Any person can report sex discrimination, including Sexual Harassment (whether or not the person reporting is the alleged victim) in person, by mail, telephone, or e-mail, using the contact information listed above for the Title IX Coordinator. A report can be made at any time, including during non-business hours. However, responses to reports made outside of business hours, including during weekends and holidays, may be delayed.

Key Definitions

Sexual Harassment: Conduct on the basis of sex that satisfies one or more of the following:

1. An employee of the Institute conditioning educational benefits or participation on an individual’s participation in unwelcome sexual conduct (i.e. quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Institute’s education Program or Activity; or

3. Sexual Assault (as defined in the Clery Act), or Dating Violence, Domestic Violence or Stalking as defined in the Violence Against Women Act (VAWA) (collectively referred to as “Sexual Violence”)*:

- **Sexual Assault:** As defined in 20 U.S.C. 1092(f)(6)(A)(v), means an offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation¹.
- **Dating Violence:** As defined in 34 U.S.C. 12291(a)(10), means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) 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.
- **Domestic Violence:** As defined in 34 U.S.C. 12291(a)(8), includes felony or misdemeanor crimes 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 cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by 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.
- **Stalking:** As defined in 34 U.S.C. 12291(a)(30), means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

* Please note: In accordance with the Violence Against Women Reauthorization Act of 2013 (“VAWA”), state definitions for Sexual Assault, Dating Violence, Domestic Violence, Stalking and Consent are contained in the Institute’s Annual Safety and Security Report (“ASR”). VAWA crimes are reported in the ASR based on the definitions above.

Complainant: An individual who is alleged to be the victim of conduct that could constitute Sexual Harassment, regardless of whether a Formal Complaint has been filed. A Complainant must be the alleged victim unless a parent or legal guardian has a legal right to act on the alleged victim’s behalf.

Respondent: An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

Parties: include the Complainant(s) and Respondents(s) collectively.

Advisor: An individual chosen by a party to accompany the party to meetings related to the resolution process, to advise the party on that process and to conduct cross-examination for the party at any

¹ The FBI’s Uniform Crime Reporting Program (FBI UCR) includes forcible and nonforcible sex offenses such as rape, fondling, and statutory rape, which contain elements of “without the consent of the victim.”

hearing, if any. If a party does not have an Advisor at the hearing portion of the Grievance Process, the Institute will appoint an advisor.

Formal Complaint: A document (hardcopy or electronic) filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the Institute investigate. A Formal Complaint must be signed (physical or digital) by the Complainant, the Title IX Coordinator, or otherwise indicate that the Complainant is the person filing the Formal Complaint. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the Institute's education Program or Activity with which the Formal Complaint is filed.

Program or Activity: On or off campus locations, events, or circumstances over which the Institute exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurred.

Mandatory Reporter: Designated Institute employees who must share knowledge, notice and/or reports of Sexual Harassment, discrimination and/or retaliation with the Title IX Coordinator.

Discretionary Reporter: Designated Institute employees who may, with the Complainant's consent, report instances to the Title IX Coordinator.

Clery Act: Meaning the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (20 U.S.C. Section 1092(f); 34 C.F.R. Part 668.46). In accordance with the Clery Act, the Institute publishes required crime statistics and policy statements in its Annual Safety and Security Report (ASR) on or before October 1st of each year. The Institute's most recent ASR is located:

<https://www.brownaveda.com/security-report>

Clery Geography: As defined in the Clery Act, includes (A) buildings and property that are part of a the Institute's campus; (B) the Institute's noncampus buildings and property; and (C) public property within or immediately adjacent to and accessible from the campus.

VAWA: Meaning the Violence Against Women Act (34 CFR Part 668).

Procedure for Reporting

If you believe that you have experienced or witnessed Sexual Harassment, discrimination or retaliation, the Institute encourages you to notify the Title IX Coordinator as soon as possible after the incident. A report may be made to either or both the police and the Title IX Coordinator. The criminal process is separate from the Institute's Title IX Grievance Process.

In order to make informed choices, it is important to be aware of confidentiality and reporting requirements when consulting Institute resources.

Institute Directors and the Director of Admissions have been designated by the Institute as Mandatory Reporters who will share knowledge, notice and/or reports of Sexual Harassment, discrimination and/or retaliation with the Title IX Coordinator.

Educators and the Student Services department have been designated by the Institute as Discretionary Reporters and will only report instances of Sexual Harassment, discrimination, or retaliation to the Title IX Coordinator with the Complainant's consent.

An individual who seeks completely confidential assistance may do so by speaking with professionals who have legally protected confidentiality. The Institute does not have confidential reporting resources, such as pastoral or professional counselors on campus. Crisis, mental health, and victim resource hotline information is available from Student Service Coordinators or within the Course Catalog / Student Manual.

The Institute will keep confidential the identity of the Complainant, Respondent, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out the Title IX Grievance Process.

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the Institute's jurisdiction and/or significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible. Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

Supportive Measures

The Title IX Coordinator will provide Supportive Measures, as necessary. Supportive Measures are individualized services reasonably available to ensure equal educational access, protect safety or deter prohibited conduct. Supportive Measures are available, as appropriate, to either or both the Complainant and Respondent and are non-punitive, non-disciplinary and not unreasonably burdensome to the other party. Examples include counseling, extensions of time or other course-related adjustments, modifications to work or class schedules, campus escort services, restrictions on contact between the Parties, leave of absence, increased security and monitoring of certain areas on campus, and other similar accommodation.

Supportive Measures are individualized and appropriate based on the information gathered by the Title IX Coordinator. The Supportive Measures needed by the Complainant and/or Respondent may change over time, and the Title IX Coordinator will communicate with each party to ensure that any Supportive Measures are necessary and effective based on evolving needs.

Once the Title IX Coordinator receives a report, the Title IX Coordinator will promptly contact the Complainant confidentially to discuss the availability of Supportive Measures (available with or without filing a Formal Complaint) and explain the process for filing a Formal Complaint and provide a copy of this policy. The Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures.

The Institute will maintain the privacy of the Supportive Measures, provided that privacy does not impair the Institute's ability to provide the Supportive Measures.

Dismissal of a Formal Complaint

Dismissal of a Formal Complaint may occur under several circumstances. The Institute must dismiss a Formal Complaint if the allegations do not meet the definition of Sexual Harassment, did not occur in the Institute's education Program or Activity, or did not occur against a person in the United States.

The Institute may dismiss a Formal Complaint if the Complainant informs the Title IX Coordinator, in writing, that he, she, or they withdraw the Formal Complaint or allegations therein; the Respondent is no longer enrolled or employed by the Institute; or if specific circumstances prevent the Institute from gathering sufficient evidence to reach a determination.

If a Formal Complaint is dismissed, the Parties will be provided written notice of the dismissal outlining the reason(s) for dismissal. A dismissal does not preclude action by the Institute under Code of Conduct Policy.

Grievance Process

The Institute utilizes a prompt, equitable and impartial Grievance Process to evaluate Formal Complaints. Title IX personnel (Title IX Coordinator, Investigators, Decision-Makers, individuals who facilitate Informal Resolution process) will be free from conflicts of interest or bias for or against Complainants or Respondents. Title IX personnel will objectively evaluate all relevant evidence and avoid credibility determinations based on a person's status as a Complainant, Respondent, or witness.

Both Parties will receive equal opportunity to provide information, witness statements, evidence, and other information that may be necessary to fully evaluate the alleged offense. Both Parties will be afforded equitable rights and access during the Grievance Process. The Respondent is presumed not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the Grievance Process.

Generally, the Grievance Process consists of a Formal Complaint, investigation, Live Hearing, determination, Disciplinary Actions, Remedies, and appeal (if applicable). The Grievance Process, barring extenuating circumstance, will conclude within 90 days from the date a Formal Complaint is filed.

Advisor

A party may be accompanied by an Advisor of their choice during the Grievance Process. The Parties may choose Advisors from inside or outside the Institute community. If the Complainant or Respondent does not have an Advisor present at the Live Hearing, the Institute will select and provide an Advisor, without fee or charge, to conduct cross-examination of witnesses on behalf of that party. A party may reject an Institute appointed Advisor and choose their own Advisor, but they may not proceed without an Advisor. The Complainant and Respondent may not conduct cross-examination.

Choosing an Advisor who is a witness in the Grievance Process creates potential for bias and conflict of interest. A party who chooses an Advisor who is also a witness can anticipate that issues of potential bias will be explored by the Decision-Maker.

The Parties are expected to ask and respond to questions on their own behalf throughout the investigation phase of the Grievance Process. Advisors are expected to advise without disrupting proceedings. For example, advisors should not address Institute officials in a meeting or interview unless invited to. An Advisor may not make a presentation during any meeting or proceeding and may not speak on behalf of the party to the investigation or other Decision-Maker except during a Live Hearing, during cross-examination. If an Advisor is disruptive or otherwise fails to respect the limits of the Advisor role, the meeting or interview may be ended.

Advisors are expected to maintain the privacy of the records shared with them. These records may not be shared with third Parties, disclosed publicly, or used for purposes not explicitly authorized by the

Institute. The Institute may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the Institute's privacy expectations.

Investigation of Formal Complaints

The Institute will investigate Sexual Harassment allegations in a Formal Complaint filed by a Complainant or signed by the Title IX Coordinator. The Title IX Coordinator will respect the Complainant's wishes as to whether the Institute investigates an allegation of Sexual Harassment unless the Title IX Coordinator determines that not investigating would be deliberately indifferent or harmful to the Institute community. The Institute may consolidate Formal Complaints where the allegations arise out of the same facts.

Upon receipt of a Formal Complaint, written notice will be sent to the Parties. The Notice of Investigation will include: details of the allegations (including identities of the Parties involved, specific section of the policy alleged to have been violated, the conduct that would be considered Sexual Harassment, the date of the incident(s) and the location of the incident(s)); a statement that the Respondent is presumed to be not responsible for the alleged conduct until a determination is made according to the Institute's Grievance Process; a statement that the Parties may have an Advisor of their choice; and a reminder of the expectation of truthfulness including consequences for submitting false information. The Parties will also be provided with separate written notice of any investigative interview, meeting, or hearing. Interview/meeting notices will include the date, time, location, participants and purpose of the investigative interview or meeting.

Formal Complaints involving employees will also be referred to Human Resources and simultaneously evaluated under employee conduct policies and procedures.

During the investigation, the Title IX Coordinator or his/her designee ("Investigator") will conduct interviews and gather evidence. No unauthorized audio or video recording of any kind is permitted during investigation interviews/meetings. The Parties will be provided an equal opportunity to present fact and expert witnesses or other evidence. The Parties (and their Advisors) will be provided with evidence directly related to the allegations, in electronic format or hardcopy, with at least 10 days for the Parties to inspect, review, and respond to the evidence. The Investigator will consider the responses received from the Parties before issuing the investigative report.

Once the investigation has concluded, the Investigator will draft an investigative report (hardcopy or electronic) that fairly summarizes relevant evidence. The investigative report will be sent to the Parties (and their Advisors) at least 10 days prior to a Live Hearing. The Parties may provide a written response to the investigative report.

Informal Resolution

If the Complainant and Respondent voluntarily consent in writing, Formal Complaints can be resolved through Informal Resolution, such as mediation. The Title IX Coordinator will facilitate an appropriate Informal Resolution process depending on the nature of the allegations, the Parties involved, and the overall circumstances. Informal Resolution will be conducted by a facilitator, who may or may not be the Title IX Coordinator. It is not necessary to pursue Informal Resolution first in order to pursue the Institute's Grievance Process. 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. Informal Resolution is unavailable to resolve allegations that an employee sexually harassed a student.

Live Hearing

If a Formal Complaint is not or cannot be resolved through Informal Resolution, the Institute will conduct a Live Hearing. Live Hearings are facilitated by designated Decision-Maker, separate from the Title IX Coordinator or Investigator. The Decision Maker will be selected by the Title IX Coordinator.

Live Hearings will be conducted directly, orally, and in real time by the party's Advisor and not by a party personally. The Decision-Maker will permit each party's Advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. 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.

Rape shield protections are applied to 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 Sexual Harassment or offered to prove consent.

If a party or witness does not submit to cross-examination at the Live Hearing, the Decision-Maker will not rely on any statement of that party or witness in reaching a determination regarding responsibility. The Decision-Maker will not 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.

At the request of either party, the Institute 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. Live Hearings may be conducted with all Parties physically present in the same geographic location or, at the Institute's discretion, any or all Parties, witnesses, and other participants may appear at the Live Hearing virtually. An audio or audiovisual recording, or transcript, of any Live Hearing will be created and maintained for seven (7) years.

During the Grievance Process, the Institute will 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. The Institute will not access or use a party's medical, psychological, and similar treatment records unless the party provides voluntary, written consent.

Standard of Evidence

For all Formal Complaints of Sexual Harassment (including where employees are Respondents), the Institute utilizes the preponderance of the evidence standard, meaning the Institute will evaluate whether it is "more likely than not" that the alleged conduct occurred.

Disciplinary Actions and Remedies

Disciplinary Actions against the Respondent will not be imposed before completion of the Institute's Grievance Process. Following a determination of responsibility, appropriate corrective action will be taken, and the Institute will take steps to prevent recurrence. Disciplinary Actions taken will be determined on a case-by-case basis. Factors considered when determining Disciplinary Action may include but are not limited to: Nature, severity of, and circumstances surrounding the violations(s);

Respondent's disciplinary history; Previous allegations or allegations involving similar conduct; Need for disciplinary action to bring an end/prevent future reoccurrence of the violation; Need for disciplinary action to remedy the effects on the Complainant and the Institute community; Impact on the parties; Any other information deemed relevant by the Decision-Maker.

Any employee determined by the Institute to be responsible for an act of Sexual Harassment will be subject to appropriate Disciplinary Action, up to and including termination. Employees are also subject to processes and discipline determined by the Human Resources Department. The HR process is separate and apart from the Title IX process and not constrained by the outcome of the Title IX process. Disciplinary Action for student-related claims may include, but are not limited to, additional training, a restriction on contact, warning, suspension, or termination.

Failure to abide by imposed Disciplinary Actions (whether by refusal, neglect, or any other reason), may result in additional Disciplinary Action, including suspension or termination.

Remedies are provided to a Complainant whenever a Respondent is found responsible. Remedies are implemented by the Title IX Coordinator and may be disciplinary and punitive. Student Remedies are designed to maintain the Complainant's equal access to education. Remedies will be determined on a case-by-case basis and may include supportive measures.

Individuals who make a materially false statement in bad faith in the course of a Title IX Grievance Process will be subject to the Institute's Code of Conduct Policy.

Written Determination

The Decision-Maker will issue a Written Determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, rationale for the result as to each allegation, a description of the procedure from Formal Complaint through the Live Hearing, Disciplinary Actions imposed on the Respondent and whether Remedies will be provided to the Complainant. The determination will be sent simultaneously to the Parties along with information on how to file an appeal.

Appeal

Both Parties have the right to appeal a determination regarding responsibility, the Institute's dismissal of a Formal Complaint or any allegations therein if: (1) procedural irregularity affected the outcome of the matter; (2) there is newly discovered evidence that could affect the outcome of the matter; and/or (3) Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter.

An appeal must be submitted in writing to the Title IX Coordinator within 10 days of the delivery of the Written Determination.

Retaliation Prohibited

Retaliation (including intimidation, threats, coercion, or discrimination) against an individual for raising an allegation of Sexual Harassment, for cooperating in the Grievance Process is prohibited.

If you believe you have been retaliated against, you should notify the Title IX Coordinator.

Training

The Institute ensures that its Title IX personnel have adequate training. The Title IX Coordinator and Investigators are trained on the definition of Sexual Harassment, the scope of the Institute's Education Program or Activity, how to conduct an investigation, the Institute's Grievance Process (including Live Hearings, appeals, and Informal Resolution processes, as applicable) and how to serve impartially by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Decision-Makers are trained on the definition of Sexual Harassment, the Live Hearing process, technology to be used in Live Hearings, and issues of relevance (including how to apply the rape shield protections provided for Complainants). Informal Resolution facilitators are trained on the Informal Resolution process.

Materials used to train Title IX personnel are posted on the Institute's website:

<https://www.brownaveda.com/title-ix-training>

In accordance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act ("Clery Act") and the Violence Against Women Reauthorization Act of 2013 ("VAWA"), the Institute will provide primary prevention and awareness programs to prevent Sexual Assault, Dating Violence, Domestic Violence and Stalking to incoming students (during new student orientation) and new employees (upon hire) and generally every year thereafter.

Bias/Conflict of Interest

To raise any concern involving bias or conflict of interest by the Title IX Coordinator, contact:

**Ed Brown, Owner, 7009 Center Street, Mentor OH 44060, (440)255-9494 Ext 112,
ebrown@brownaved.com.**

Concerns of bias or potential conflict of interest by any other Title IX personnel should be raised with the Title IX Coordinator.

Clery Act Reporting

Institute administrators will issue timely warnings for incidents reported that pose a substantial threat of bodily harm or danger to other members of the campus community. The Institute will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The Institute reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

Personally identifiable information for victims of Sexual Assault, Dating Violence, Domestic Violence and Stalking will not be included in any publicly available recordkeeping, including Clery Act Reporting and disclosures such as the ASR.

Emergency Removal

The Institute can remove a Respondent entirely or partially from the Education Program or Activities on an emergency basis when an individualized safety and risk analysis has determined that an immediate threat to the physical or safety of any student or other individual justifies removal. The risk analysis is performed by the Title IX Coordinator in conjunction with Institute Director.

In cases in which an emergency removal is imposed, the Respondent will be given notice of the action and the option to request to meet with the Title IX Coordinator prior to such action/removal being imposed, or as soon thereafter as reasonably possible, to show cause why the action/removal should not be implemented or should be modified. This meeting is not a hearing on the merits of the allegation(s), but rather is an administrative process intended to determine solely whether the emergency removal is appropriate. When this meeting is not requested in a timely manner, objections to the emergency removal will be deemed waived.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The Institute will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: temporarily re-assigning an employee, restricting a student's or employee's access to the campus, allowing a student to withdraw or take grades of incomplete without financial penalty, and authorizing an administrative leave.

Disability Accommodations

The Institute is committed to providing reasonable accommodations and support to qualified students, employees, or others with disabilities to ensure equal access to the Institute's Grievance Process. Anyone needing an accommodation should contact the ADA Compliance Coordinator (contact information below) to request an accommodation:

Mentor Campus: Barb Bader, Corp. Student Service Coordinator
8816 Mentor Ave., Mentor, OH 44060
(440) 255-9494, ext. 122 bbader@brownaveda.com

Strongsville Campus: Maggie Dauenhauer- Manager of Admissions & Placement
17901 Southpark Center, Space 160, Strongsville, OH 44136
(440) 255-9494, ext. 408 mdauenhauer@brownaveda.com

Additional Information

Students and employees may contact the Title IX Coordinator with any questions related to this policy. In addition, the U.S. Department of Education Office for Civil Rights ("OCR") investigates complaints of unlawful harassment of students in educational programs or activities. This agency may serve as a neutral fact finder and will attempt to facilitate the voluntary resolution of disputes with the Parties. For more information, visit the OCR website at <http://www.hhs.gov/ocr/>. To the extent that an employee or contract worker is not satisfied with the Institute's handling of a complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.