

## PENROSE ACADEMY ANTI-HARASSMENT AND DISCRIMINATION POLICY

Penrose Academy is committed to providing a work and school environment free of unlawful harassment or discrimination. In furtherance of this commitment, students and employees are required to take our mandatory Sexual Harassment and Prevention Training. This training will occur during New Hire Orientation or New Student Orientation. The Academy policy prohibits harassment or discrimination based on race, religion, creed, color, national origin, ancestry, sex (including pregnancy, childbirth or related medical conditions), military or veteran status, physical or mental disability, medical condition, marital status, age, sexual orientation, gender, gender identity or expression, genetic information or any other basis protected by the federal, state or local law. Additionally, in accordance with Title IX of the Education Amendments of 1972, the academy prohibits discrimination based on sex, which includes sexual harassment and sexual violence, and the academy has jurisdiction over Title IX complaints.

Penrose Academy's anti-harassment policy applies to all persons involved in the operation of the academy, and prohibits unlawful harassment by any employee of the academy, students, customers, vendors or anyone who does business with the academy. Any employee, student or contract worker who violates this policy will be subject to disciplinary action. To the extent a customer, vendor or other person with whom Penrose Academy does business engages in unlawful harassment or discrimination, Penrose Academy will take appropriate corrective action.

As part of Penrose Academy's commitment to providing a harassment-free working and learning environment, this policy shall be disseminated to the school community through publications, the Penrose Academy website, new employee orientations, student orientations, and other appropriate channels of communication. Penrose Academy provides training to key staff members to enable the academy to handle any allegations of sexual harassment or sexual violence promptly and effectively. The academy will respond quickly to all reports, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

### DEFINITIONS

Sexual Harassment is defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education or interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile or offensive.

Sexual Violence is defined as physical sexual acts engaged in without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

Domestic Violence is defined as abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

Dating Violence is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Sexual Assault occurs when a physical sexual activity is engaged in without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of drugs or alcohol, and taking advantage of the other person's incapacitation (including voluntary intoxication).

Stalking is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

Consent is informed, voluntary and revocable. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. It must be given without coercion, force, threats or intimidation. Consent must be ongoing throughout a sexual encounter and

can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

#### PROHIBITED CONDUCT

This policy strictly prohibits sexual or other unlawful harassment or discrimination as well as sexual violence, as defined above. Sexual or other unlawful harassment or discrimination includes any verbal, physical or visual conduct based on sex, race, age, national origin, disability or any other legally protected basis if: submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment; submission to or rejection of such conduct by an individual is used as a basis for decisions concerning that individual's education or employment; or it creates a hostile or offensive work environment, which means the alleged conduct is sufficiently serious to limit or deny a student's or ability to participate or benefit from the student's education program.

Unlawful harassment or discrimination may include racial epithets, slurs and derogatory remarks, stereotypes, jokes, posters or cartoons based on race, national origin, age, disability, marital status or other legally protected categories.

Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex, and may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", practical jokes, jokes about or displays of obscene printed or visual material, questions about sexual fantasies, preferences or history, and physical contact such as patting, pinching, or intentionally brushing against another person's body. Gender-based harassment, including acts of verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping are strictly prohibited, even if those acts do not involve conduct of a sexual nature.

#### COMPLAINT PROCEDURE

If as a student or staff member of Penrose Academy you believe that you have experienced or witnessed harassment or sexual violence, notify your Title IX Coordinator as soon as possible after the incident.

Penrose Academy Employee/Student Title IX Coordinator

Jill Kohler, President/Founder  
13402 North Scottsdale Road, Suite B-160  
Phoenix, Arizona 85254  
480-222-9540 ext 202  
[jill@penrose.edu](mailto:jill@penrose.edu)

Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation. No employee, contract worker, student, vendor or other person who does business with Penrose Academy is exempt from the prohibitions in this policy.

Supervisors will refer all harassment complaints to the Title IX Coordinator for student-related complaints and complaints involving an employee. In order to facilitate the investigation, your complaint should include details of the incident or incidents, names of the individuals involved and names of any witnesses. Please contact the appropriate Title IX Coordinator for an Incident Report. The Title IX Coordinator can assist you in completion of this report if necessary.

All complaints involving a student or staff member will be referred to Penrose Academy's Title IX Coordinator (Penrose Academy President). The Title IX Coordinator has the responsibility of overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

Penrose Academy ensures that the employee designated to serve as Title IX Coordinator has adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how Penrose Academy's complaint procedures operate.

#### INVESTIGATION OF COMPLAINTS

In response to all complaints, Penrose Academy promises prompt and equitable resolution through a reliable and impartial investigation of complaints, including the opportunity for both parties to present

witnesses or other evidence. The time necessary to conduct an investigation will vary based on complexity but will generally be completed within sixty (60) days of receipt of the complaint. Penrose Academy shall maintain confidentiality for all parties to the extent possible, but absolute confidentiality cannot be guaranteed. In cases where a student/staff member does not give consent for an investigation, Penrose Academy will weigh the student/staff member's request for confidentiality against the impact on the academy safety to determine whether an investigation must proceed. Complainants should be aware that in a formal investigation due process generally requires that the identity of the charging party and the substance of the complaint be revealed to the person charged with the alleged harassment.

The preponderance of the evidence standard will apply to investigations, meaning Penrose Academy will evaluate whether it is more likely than not that the alleged conduct occurred. Both parties will receive written notice of the outcome of the complaint.

During the investigation, the academy will provide interim measures, as necessary, to protect the safety and wellbeing of employees involved.

If Penrose Academy determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action will be taken in accordance with the circumstances involved, and Penrose Academy will take steps to prevent the recurrence of any harassment or discrimination. Any employee or student determined by the academy to be responsible for unlawful harassment or discrimination will be subject to appropriate disciplinary action, up to and including termination.

To initiate a criminal investigation, reports of sexual violence should be made to "911" or local law enforcement. The criminal process is separate from the academy's disciplinary process. To the extent that an employee or contract worker is not satisfied with the school's handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

#### RETALIATION PROHIBITED

Penrose Academy will not retaliate against you for filing a complaint, and will not tolerate retaliation by students or employees. If you believe you have been retaliated against, you should promptly notify the appropriate Title IX Coordinator.

For Students and Staff:

Jill Kohler, President/Founder  
13402 North Scottsdale Road, Suite B-160  
Phoenix, Arizona 85254  
480-222-9540 ext 202  
[jill@penrose.edu](mailto:jill@penrose.edu)

#### REPORTING REQUIREMENTS

Victims of sexual misconduct should be aware that School administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to other members of the campus community. Penrose Academy 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. Penrose Academy reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status.

#### ADDITIONAL INFORMATION

Employees should contact President for more information or any questions related to this policy. Students 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/>.

Notice: A written notice of the grievance must be forwarded to the Board of Grievances within (5) days of the action causing the grievance. The notice must state the issue for resolution, parties involved, date of occurrence or incident, the requested solution, and must include all documentation relevant or necessary to support such grievance. The notice must be signed and dated by the student or employee.

#### GRIEVANCE POLICY AND PROCEDURE

In the event a student has a concern or grievance that cannot be resolved with the student's immediate Educator, Senior Director of Education or Student Services Department, the Student may file the concern in written form as a grievance. The written grievance will then be referred to the Board of Grievances. If a Student is suspended, terminated for Student Catalog Policy Violation or failure to achieve Satisfactory Academic Progress and wishes to appeal the decision, they will also provide a written appeal to the Board of Grievances as described below.

Procedural Items: Within ten (10) days of receipt of the written notice of grievance, the Board of Grievances shall initiate the following procedures:

- Notify the President of Penrose Academy that a grievance has been filed.
- Provide notice to all parties involved in the incident.
- Title IX Coordinator will conduct an investigation of the grievance.
- If the problem is not clearly defined, a request to clarify the grievance shall be made upon the student who files the written grievance.
- Set a date for the hearing which shall not be later than ten (10) days from the date all parties are sent notice of the written grievance.

Composition: The Board of Grievances shall be comprised of three or more people from the Penrose Academy Administration and Educators. If for any reason the written grievance is filed against or regarding actions of an educator or administrative member that serves on the Board of Grievances, then that member shall be replaced by another Educator or Administrative Member chosen by the President and/or Co- Founder.

Hearings Conducted by the Board of Grievances: The Board of Grievances shall conduct a hearing on the documents submitted and testimony of any relevant party. The student who filed the written grievance shall present his/her case first. Thereafter, the Board of Grievances shall permit the opposing party an opportunity to be heard. If a grievance is filed against the administration or educator, a member or the administration or educator appointed by the President may present the case on behalf of Penrose Academy. Both student and opposing party shall only be permitted one (1) hour to present his/her case, including all testimony. Thereafter, the Board of Grievances shall discuss the matter without the presence of the student or any opposing party until each member of the Board has made an independent decision. The Board of Grievances decision shall be by majority rule and shall be the final decision made by Penrose Academy regarding the matter.

Arbitration: In the event any grievance is pursued beyond the Board of Grievances decision, student agrees and acknowledges that any matter concerning the Enrollment Agreement or Student Catalog must be submitted to a single arbitrator assigned by the American Arbitration Act ("AAA"). Any matter to be submitted to the AAA must be filed within five (5) days of the Board of Grievances decision. However, prior to pursuing binding arbitration, student must exhaust all means available through the Board of Grievances. The cost of any such arbitration shall be paid by the party pursuing such arbitration. The results of the arbitration shall be binding on the parties, and shall preclude parties from seeking further litigation. The parties agree to make all reasonable efforts to ensure that any dispute going to arbitration shall be resolved within sixty (60) days of filing arbitration documents. In the event that a grievance may not be resolved at the institutional level, a formal grievance may be filed with the Council on Occupational Education or Arizona State Board of Cosmetology.

Council on Occupational Education	Arizona State Board of Cosmetology
7840 Roswell Rd. Bldg. 300, Ste. 325	1721 East
Broadway Rd Atlanta, GA 30350	Tempe, Arizona
85282 (770) 396-3898 or (800) 917-2081	(480) 784-4539
<a href="http://www.council.org">www.council.org</a>	<a href="http://www.azboc.gov">www.azboc.gov</a>