

Title IX & Sexual Harassment, Discrimination & Sexual Violence Prohibition Policy

NON-DISCRIMINATION STATEMENT

Pivot Point Academy does not discriminate and expressly prohibits any form of student or staff harassment based on ethnic origin, race, color, religion, sex, sexual orientation, national origin, ancestry, marital status, age, handicap or disability, status as a military veteran or any other characteristic protected by law. This policy applies to all aspects of operation including but not limited to educational opportunity, admissions and/or employment opportunities and benefits pursuant to the requirements of Title IX of the Educational Amendments of 1972, Public Law 92-218; the Rehabilitation Act of 1973, section 504, Public Law 93-112 and Title III of the Americans with Disabilities Act of 1990.

SEXUAL HARASSMENT & SEXUAL VIOLENCE PROHIBITION

Pivot Point Academy maintains that all employees, students and guests have a right to work and fully participate in an environment free of discrimination, which encompasses freedom from sexual harassment and sexual violence. Pivot Point Academy prohibits sexual harassment in any form, by or against employees, students, and guests of the Academy.

In addition, the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, commonly referred to as the Clery Act, requires institutions of higher education, like Pivot Point Academy, to support victims and report on offenses of sexual assault, domestic violence, dating violence, and stalking. This policy encompasses Pivot Point Academy's compliance with all laws prohibiting sex discrimination, sexual harassment and sexual misconduct including Title IX and the Clery Act.

This Title IX policy and corresponding processes have been developed by Pivot Point Academy to ensure any and all complaints of sex discrimination, sexual harassment, and criminal conduct on the basis of sex brought by students, employees, or third parties are investigated in a timely manner. In instances where a violation is found, Pivot Point Academy will take action to end the conduct, prevent recurrence and address its impact.

In circumstances where misconduct took place outside of Pivot Point Academy educational programs and/or activities, the Academy may be limited in our ability to respond; however, in these cases the Academy will provide assistance by directing

complainants to resources and organizations that are able to address their specific situation and needs.

TITLE IX COORDINATOR

The Chief Executive Operating Officer is designated as the Lead Title IX Coordinator for Pivot Point Academy.

In addition, the Director of Student & Financial Services also serves as the campus Title IX Coordinator and is a resource to staff, students and guests.

Title IX Coordinator contact information is listed below:

Lead Title IX Coordinator

Sheryl Wieczorek
Chief Executive Operating Officer
959 West Ogden Avenue
Naperville, IL 60563
E-mail: sheryl@zanosalons.com
Phone: 630-357-4425

Title IX Coordinator

Marie Bratek
Director of Student & Financial Services
144 East Lake Street, Ste. C
Bloomington, IL 60108
E-mail: m.brtek@academy-pp.com
Phone: 847-985-5900, ext. 4320

ROLE OF TITLE IX COORDINATOR

The Title IX Coordinator's primary responsibility is to coordinate Pivot Point Academy's compliance with Title IX, including:

- Being knowledgeable on and ensuring adherence to Pivot Point Academy policies and procedures on sex discrimination and sexual harassment.
- Meeting with students and employees, as needed.
- Coordinating grievance procedures for resolving Title IX complaints.
- Being informed and aware of all Title IX complaints and issues even if a complaint was issued to another individual or office.
- Coordinating responses to all complaints involving possible sex discrimination, sexual harassment and sexual assault.

- Monitoring outcomes of complaints and investigations, identifying and addressing any patterns and assess effects on the campus climate.

DEFINITIONS

Sex discrimination refers to discrimination in educational opportunity, admissions and employment opportunity against a person on grounds of sex.

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 violence/assault refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent due his or her use of drugs or alcohol or a disability. Sexual violence is a form of sexual harassment.

Consent in relation to sexual activity means a person has given permission through words or overt actions and is in agreement with a particular act. Consent is active and as such silence cannot be perceived as consent.

Sexual harassment and sexual violence are prohibited by Pivot Point Academy rules as well as the U.S. Department of Education Title IX regulations. Pivot Point Academy and Title IX also prohibit **gender-based harassment**, which may include acts of verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping even if those acts do not involve conduct of a sexual nature.

A partial list of conduct which may constitute harassment includes:

- Unwelcome sexual advances, propositions, invitations, solicitations, flirtations, or other verbal or physical conduct of a sexual nature.
- Discussing sexual activities.
- Commenting about an individual's body or physical appearance.
- Displaying sexually suggestive pictures, cartoons or drawings.
- Using unseemly gestures.
- Using offensive language or telling sexually explicit jokes.
- Sexting or sexual cyber bullying.
- Unnecessary touching.
- Repeated requests for dates, comments about a person's body, excessive flattery on dress or questioning of a personal nature.
- Any statements or implications that a person's employment, wages, academic grade, promotional opportunities, classroom or work assignments or other conditions of employment or academic life may be adversely affected by not submitting to harassment.

- Unwanted physical contact.
- Rape, sexual assault or sexual coercion.

Sexual harassment is prohibited regardless of whether it occurs verbally, nonverbally, via social media outlet, text message or email.

Retaliation against parties who report sexual harassment, who object to sexual harassment or assist in a sexual harassment investigation, is prohibited by Pivot Point Academy and applicable law. Any student or employee who retaliates will be subject to disciplinary action, up to and including termination from Pivot Point Academy.

If a student or employee feels this policy has been violated due to retaliation, he/she should make a report with the Title IX Coordinator.

Pivot Point Academy will consider all relevant circumstances when determining whether a violation of this policy has occurred. Factors include:

- Degree to which the conduct has impacted one or more person's education and/or employment
- Type, frequency and duration of the conduct
- Relationship between alleged harasser and the recipient(s) of the harassment
- Number of people involved

Other forms of sexual harassment include domestic violence, dating violence and stalking.

Domestic violence is defined as the inflicting of physical injury by a family or household member and generally includes a repeated pattern of such behavior.

Dating violence is defined as controlling, abusive, and aggressive behavior in a romantic relationship. It can happen in straight or gay relationships. It can include verbal, emotional, physical, or sexual abuse, or a combination.

Stalking is defined as an intentional and repeated following or harassing of another person. It includes a credible threat, either expressed or implied, with the intent to place that person in reasonable fear of death or serious bodily harm.

Sexual Harassment Grievance Procedure

Any employee or student who believes he or she has experienced sexual harassment, or has witnessed sexual harassment by any employee or prospective employee, student or prospective student, or guest should bring the matter to the immediate attention of the Title IX Coordinator. If the complainant feels comfortable confronting the

harasser, the complainant should also inform the harasser that the harasser's attention is offensive to him/her.

Students may also bring such a complaint to another Academy staff member, such as an educator, or guest services associate. Similarly, an employee may bring the complaint to his/her direct supervisor or human resources staff member. In these circumstances, the complainant should understand that the complaint will be forwarded to a Title IX Coordinator.

In addition, there are times an Academy staff member may have knowledge of conduct that violates this policy, either by witnessing an offense or hearing it second-hand. In these circumstances, the Academy staff member is expected to report the incident to his/her direct supervisor and/or a Title IX Coordinator even if the person making the report requests no action be taken.

Pivot Point Academy advises the complainant of his or her right to file a criminal report in instances of alleged sexual violence. Pivot Point will not tolerate violations of this policy and strongly encourages victims of sexual harassment to report such harassment as soon as it occurs.

INVESTIGATION OF SEXUAL HARASSMENT GREIVANCES

The campus Title IX Coordinator, in consultation with the lead Title IX Coordinator, will investigate all reported incidents of sexual harassment. The investigation of a reported incident will be initiated promptly upon receipt of a report and conducted in a timely fashion.

All investigations will be conducted in as confidential manner as feasible, consistent with the Academy's investigation and obligations.

The complaint will be reduced to writing and signed or otherwise verified by complainant. Both the complainant and the alleged offender will be interviewed as part of the investigation and both will be informed of the non-retaliation provisions of this policy.

The complainant and the alleged offender will be asked for corroborating evidence, and corroborating witnesses identified will also be interviewed as appropriate. The effects of off-premises conduct may be considered as part of the investigation.

If a criminal report was filed, that report and related evidence may be used as part of the investigation. The investigator's notes will be kept confidential to the extent consistent with the Academy's legal obligations.

During the investigation, the alleged offender may be suspended from the premises or program. At the complainant's request, she/he may have his/her academic situation changed, as needed.

The investigator will document the findings and submit a report to the Senior Director of the Academy. The report will include all pertinent information including notes from interviews with complainant, witnesses and/or respondent. When appropriate, the report shall include recommendations for discipline. The Senior Director of the Academy, in consultation with the lead Title IX Coordinator, will make the final decision about the appropriate action(s), if any, that should be taken to stop the offending conduct, to preclude its recurring, and to restore an environment free from discrimination.

Such actions may include written warnings, suspension, sensitivity training or sexual harassment awareness training, and other disciplinary actions, up to and including termination from the program or employment.

Both parties will be informed in writing what action, if any, the Academy has taken on his/her complaint. The timeline for filing, processing and resolving the complaint will be in accordance with applicable law.

STUDENT APPEALS

If a student complainant or respondent does not agree with the outcome of the investigation under this Title IX policy, he/she may submit a written appeal for review. Appeals may be submitted to the Director of Student & Financial Services. Appeals must be submitted and received within seven (7) calendar days of written receipt of the outcome from the investigation.

Appeals will only be considered if new information has surfaced that may alter the outcome of the investigation, or if an error occurred during the investigation and, if corrected, may change the outcome of the investigation.

Pivot Point Academy will assign an appeals committee to review the appeal and provide a written response to the student. This process will typically be completed within thirty (30) calendar days of receipt of the appeal. Depending on the specific case, the timeline may be extended.

RESOURCES & SUPPORT SERVICES

Recommendations for Assistance

In the event a sex offense is committed, the following should occur:

- Go to a safe place following the attack.
- Do not take a shower or bath or destroy any of the clothing you were wearing at the time of the attack. In other words, do not destroy any evidence.
- Go to the hospital or emergency room for a medical examination.
- Call someone so you will not be alone.
- Report the sexual offense to the police. If you would like, a staff member of the Academy will assist you. You may wish to contact the Lead Title IX Coordinator, or the Director of Student & Financial Services for assistance.

Registered Sex Offenders

Students at Pivot Point Academy may obtain information concerning registered sex offenders for the State of Illinois by following this link: <http://www.isp.state.il.us/sor/>.

Off-Campus Counseling, Mental Health, and Other Student/Staff Services for Victims

Pivot Point Academy does not offer on-campus counseling or mental health services; however, students and staff are encouraged to contact one or more of the following agencies in the event of a campus sex crime.

RAAIN
Rape Abuse & Incest National Network
www.rainn.org
1.800.656.HOPE

NMHA
National Mental Health Association
www.nmha.org
1.800.969.6642

Planned Parenthood
www.plannedparenthood.org
1.800.230.7526

NDVH
National Domestic Violence Hotline
www.ndvh.org
1.800.799.7233

PREVENTION

When interacting with others, it is important to be sensitive to the way in which words and actions may be perceived by others. If they could reasonably be perceived as offensive, they could constitute unlawful harassment. Normal, courteous, respectful, pleasant and non-coercive interaction between individuals, which is acceptable to all, is not considered sexual harassment.

Students and employees of Pivot Point Academy must also assume an active role in the prevention of sexual harassment. Student and employees should commit to do the following:

Understand

- Obtain and become familiar with the Pivot Point Academy policy on sexual harassment.
- Examine feelings, attitudes, and behaviors in relation to sexual harassment.
- See that behavior corresponds with the expectations and behavioral requirements of Pivot Point's sexual harassment policy.

Observe

- Be aware and conscious of engaging in potential sexual harassing behaviors or incidents.
- Be sensitive to individuals who may be offended by the verbal and non-verbal behavior of others.
- Be aware of subtle forms of sexual harassment.
- Watch for and discourage sexual behaviors that negatively affect the educational environment.

Examine

- Pay attention to the response of others in order to avoid unintentional offense.
- Do not assume that other students, employees and/or guests enjoy or want to hear risqué jokes or sexually oriented comments, see sexual images, be touched, stared at, flirted with, or propositioned for dates.
- Ask yourself if your verbal or non-verbal behaviors might have a negative impact on other students, employees, or guests.
- Examine your behaviors, gestures and comments. Ask yourself, "Could I unknowingly be offending others by the way I interact or communicate?"
- Do not take sexual harassment lightly. If you think you are being sexually harassed by an individual or a group, do not accept it as a joke. Do not encourage the harasser by smiling, laughing at his/her jokes, or flirting back. Let the harasser know that you do not enjoy and do not want this type of attention.

Confront

- If you feel comfortable in doing so, confront the sexual harasser immediately. Tell him/her that you find that type of attention offensive.
- If you feel comfortable in doing so, tell the harasser what behaviors (gestures, physical or verbal) behaviors you find offensive.

Resolve

- Any student or employee who believes he/she has experienced sexual harassment, or has witnessed sexual harassment by any employee or prospective employee, student or prospective student, or guest should bring the matter to the attention of the Director of Student & Financial Services, who is designated as the campus Title IX Coordinator. Alternately, the Lead Title IX Coordinator may be contacted at sheryl@zanosalons.com or 630-357-4425.
- If the complainant feels comfortable in confronting the harasser, the victim should also inform the harasser that type of attention is offensive to him/her.
- Pivot Point Academy advises the complainant of their right to file a criminal report in instances of sexual violence/assault.
- Document all incidents of the harassment. Be detailed, precise about the date, time, location, and person/persons involved and present.

Support

- If you know someone who is being harassed, give him or her support.
- Encourage the recipient to talk to the campus Title IX Coordinator or Lead Title IX Coordinator.
- If you see or hear an incident of sexual harassment, or are subjected to an offensive environment, you should notify the campus Title IX Coordinator or Lead Title IX Coordinator immediately.
- When a recipient files a complaint, if possible, support him or her throughout the compliant process.