



Title IX Policy

The Institute of Beauty and Wellness and Aveda Institute Madison (the “Institute”) is committed to providing a work and Institute environment free of unlawful harassment or discrimination. In furtherance of this commitment, all students and employees are required to take our mandatory Sexual Harassment and Prevention Training during students' first month of Institute and at each staff New Hire orientations.

Institute 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, Title IX of the Education Amendments of 1972, The Institute of Beauty and Wellness, and Aveda Institute Madison prohibits discrimination based on sex, which includes sexual harassment and sexual violence, and The Institute of Beauty and Wellness and Aveda Institute Madison has jurisdiction over Title IX complaints.

The Institute of Beauty and Wellness and Aveda Institute Madison’s anti-harassment policy applies to all persons involved in the operation of The Institute of Beauty and Wellness and Aveda Institute Madison and prohibits unlawful harassment by any employee of The Institute of Beauty and Wellness and Aveda Institute Madison, as well as students, customers, vendors or anyone who does business with The Institute of Beauty and Wellness and Aveda Institute Madison. It further extends to prohibit unlawful harassment by or against students. Any employee, student, or contract worker who violates this policy will be subject to disciplinary action. To the extent a customer, vendor, or other persons with whom The Institute of Beauty and Wellness and Aveda Institute Madison does business engages in unlawful harassment or discrimination, The Institute of Beauty and Wellness and Aveda Institute Madison will take appropriate corrective action.

As part of The Institute of Beauty and Wellness and Aveda Institute Madison’s commitment to providing a harassment-free working and learning environment, this policy shall be disseminated to The Institute of Beauty and Wellness and Aveda Institute Madison community through publications, The Institute of Beauty and Wellness and Aveda Institute Madison website, new employee orientations, student handbooks, and other appropriate channels of communication. The Institute of Beauty and Wellness and Aveda Institute Madison provides training to key staff members to enable The Institute of Beauty and Wellness and Aveda Institute Madison to handle any allegations of sexual harassment or sexual violence promptly and effectively.



The Institute of Beauty and Wellness and Aveda Institute Madison 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.

The Institute ensures that its employee(s) designated to serve as Title IX Coordinator(s) have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how The Institute of Beauty and Wellness and Aveda Institute Madison's grievance procedures operate. Because complaints can also be filed with an employee's supervisor or Human Resources, these employees also receive training on The Institute's grievance procedures, and 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 prejudice of the facts at issue, conflicts of interest, and bias. The Title IX Coordinator is listed below and 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.

Title IX Coordinator for The Institute of Beauty and Wellness and Aveda Institute Madison:

Caitlin Stublaski, Assistant Director

The Institute of Beauty and Wellness

Phone: 414.319.7527

Email: caitlin@ibw.edu

Ariana Oldenburg, Assistant Director

Aveda Institute Madison

Phone: 414.319.7594

Email: ariana@aimadison.com

Deanna Koch, Admissions Team Leader

The Institute of Beauty and Wellness & Aveda Institute Madison

Phone: 414.319.7574

Email: deanna@ibw.edu

Halie Struck, Admissions Coordinator

Aveda Institute Madison

Phone: 414.319.7591

Email: Halie@aimadison.com

Definitions

Sexual Harassment



Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the Institute's education program or activity; an employee of the school conditioning the provision of aid, benefit, or service of the school on an individual's participation in unwelcome sexual conduct; or sexual assault, as defined in the Clery Act, or dating violence, domestic violence, or stalking as defined in Violence Against Women Act (VAWA).

Sexual Violence

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.

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.

(i) The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

(ii) For the purposes of this definition—

(A) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(B) Dating violence does not include acts covered under the definition of domestic violence.

(iii) For the purposes of complying with the requirements of this section and §668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

Domestic violence

(i) A felony or misdemeanor crime of violence committed—

(A) By a current or former spouse or intimate partner of the victim;

(B) By a person with whom the victim shares a child in common;

(C) By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

(D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or

(E) 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 in which the crime of violence occurred.

Stalking

(i) Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—

(A) Fear for the person's safety or the safety of others; or



(B) Suffer substantial emotional distress.

(ii) For the purposes of this definition—

(A) *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.

(C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Wisconsin State Law 940.32 definition of Stalking.

(1) In this section:

(a) "Course of conduct" means a series of 2 or more acts carried out over time, however short or long, that show a continuity of purpose, including any of the following:

1. Maintaining visual or physical proximity to the victim.
 2. Approaching or confronting the victim.
 3. Appearing at the victim's workplace or contacting the victim's employer or coworkers.
 4. Appearing at the victim's home or contacting the victim's neighbors.
 5. Entering property owned, leased, or occupied by the victim.
 6. Contacting the victim by telephone or causing the victim's telephone or any other person's telephone to ring repeatedly or continuously, regardless of whether a conversation ensues.
 - 6m. Photographing, videotaping, audiotaping, or, through any other electronic means, monitoring or recording the activities of the victim. This subdivision applies regardless of where the act occurs.
 7. Sending material by any means to the victim or, for the purpose of obtaining information about, disseminating information about, or communicating with the victim, to a member of the victim's family or household or an employer, coworker, or friend of the victim.
 8. Placing an object on or delivering an object to property owned, leased, or occupied by the victim.
 9. Delivering an object to a member of the victim's family or household or an employer, coworker, or friend of the victim or placing an object on, or delivering an object to, property owned, leased, or occupied by such a person with the intent that the object is delivered to the victim.
 10. Causing a person to engage in any of the acts described in subds. 1. to 9.
- (<https://docs.legis.wisconsin.gov/statutes/statutes/940/11/32>)

Sexual Assault occurs when 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). Sexual assault includes rape, fondling, incest, or statutory rape.

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. Wisconsin State Law definition of "consent" in relation to sexual crimes "Consent", as used in this section, means words or overt actions by a person who is competent to give informed consent indicating a freely given agreement to have sexual intercourse or sexual contact. Consent is not an issue in alleged violations of sub. (2) (c), (cm), (d), (g), (h), and (i). The following persons are presumed incapable of consent, but the presumption may be rebutted by competent evidence, subject to the provisions of s. 972.11 (2):

(b) A person suffering from a mental illness or defect which impairs the capacity to appraise personal conduct.

940.225(4)(c) (c) A person who is unconscious or for any other reason is physically unable to communicate unwillingness to an act.

(<https://docs.legis.wisconsin.gov/statutes/statutes/940/II/225>)

Complainant

An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

Respondent

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

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:

- a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;
- b) 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



- c) 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 is strictly prohibited, even if those acts do not involve conduct of a sexual nature.

Response

If you believe that you have experienced or witnessed sexual harassment or sexual violence, notify your instructor, supervisor, Human Resources, or the Title IX Coordinator as soon as possible after the incident. All complaints involving a student will be referred to the campus's Title IX Coordinator. Supervisors will refer to all harassment complaints to the Human Resources Department if the complaint involves another team member.

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 persons who do business with The Institute of Beauty and Wellness and Aveda Institute Madison is exempt from the prohibitions in this policy.

The Institute must have actual knowledge of sexual harassment that has occurred within The Institute's education program or Institute activity against a person in the United States (not including study abroad programs) to begin any investigations of Title IX violations. To facilitate the investigation, the complaint must submit a formal written complaint which should include details of the incident or incidents, names of the individuals involved, and names of any witnesses.

The Institute must investigate every formal complaint (which may be filed by a complainant or by the Institute's Title IX Coordinator). If the alleged conduct does not fall under Title IX, then the Institute may address the allegations under the Institute's code of conduct and provide supportive measures. Institute violates Title IX when its response to sexual harassment is clearly unreasonable in light of the known circumstances (deliberate indifference).



Title IX Coordinator must promptly contact the complainant confidentially to discuss the availability of supportive measures, consider the complainant's wishes concerning 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.

The Institute's Title IX Coordinator will work with all students affected by sexual harassment to ensure their safety and support their wellbeing. This assistance may include providing supportive measures to support or protect a student after an incident of sexual harassment and while an investigation or disciplinary proceeding is pending. Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the Institute's education programs and activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the Institute's educational environment or deter sexual harassment.

Supportive measures may include extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work or campus locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The Institute will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of the Institute to provide the supportive measures. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. The measures needed by each student may change over time, and the Title IX Coordinator will communicate with each student throughout any investigation to ensure that any supportive measures are necessary and effective based on the students' evolving needs. Students who report an incident of sexual harassment may also be able to obtain a formal protection order from a civil or criminal court. The Institute will work with the student and the applicable court to assist in the enforcement of any such protective orders.

Support Services Available

Counseling, advocacy, and support services are available for complainants, whether or not a complainant chooses to make an official report or participate in the Institute's disciplinary or criminal process. The Institute does not provide counseling or health care services. Personal counseling offered by the Institute will be limited to initial crisis assessment and referral. Sexual harassment crisis and counseling options are available locally and nationally through several agencies, including:



- National Hotlines National Center on Drug Abuse Hotline- 1-800-622-HELP (4357)
- National Domestic Violence Hotline- 1-800-799-SAFE (7223) or TTY 1-800-787-3224
- National Sexual Assault/Online Message Service- 1-800-656-HOPE (4373) or
www.rainn.org National Suicide Prevention Hotline- 1-800-273-TALK (8255)

The Title IX coordinator can provide contact information to offer resources that are located within a student handbook.

Fair Grievance Process

It is the responsibility of the Title IX Coordinator to have an objective evaluation of all relevant evidence and avoid credibility determinations based on a person's status as a complainant, respondent, or witness. Title IX personnel be free from conflicts of interest or bias for or against complainants or respondents.

Title IX personnel, the Institutes' higher administration are trained 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.

Also, the training includes how to apply the rape shield protections which is a law that limits the ability to introduce evidence or cross-examine rape complainants about their past sexual behavior.

The Institute allows the presumption the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

The time necessary to complete the grievance process will vary based on complexity but the Institute will respond to formal complaint in a reasonably prompt time frame, including appeals and informal resolution, with allowance for short-term, good cause delays or extensions of time frame.

If The Institute of Beauty and Wellness and Aveda Institute Madison determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action will be taken in accordance with the circumstances involved, and The Institute of Beauty and Wellness and Aveda Institute Madison will take steps to prevent the recurrence of any harassment or discrimination. Remedies for student-related claims may include but are not limited to, supportive measures, an order to stay away, suspension, or expulsion. Any employee determined by The Institute of Beauty and Wellness and Aveda Institute Madison to be



responsible for unlawful harassment or discrimination will be subject to appropriate disciplinary action, up to and including termination.

The preponderance of the evidence standard will apply to investigations, meaning The Institute of Beauty and Wellness and Aveda Institute Madison 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.

Both the complainant and the respondent may appeal to the Institute's final outcome of the Title IX complaint. Appeals must be submitted in writing to the school owner, director, and human resource manager.

Appeals may be filed on the following grounds:

- **Procedural Error:** A procedural error occurred that significantly impacted the outcome of the investigation or hearing. A description of the error and its impact on the outcome of the case must be included in the written appeal.
- **New Evidence:** New evidence or information has arisen that was not available or known to the party during the investigation or hearing, and that could significantly impact the findings. Information that was known to the Appellant during the investigation or hearing but which they chose not to present is not new information. A summary of this new evidence and its potential impact on the investigation findings must be included in the written appeal.
- **Conflict of Interest or Bias:** An actual conflict of interest or bias impacted the handling or results of the resolution procedures.

The written appeals decision shall be sent simultaneously to both parties. Disagreement with the finding or sanctions is not, by itself, grounds for appeals.

The Title IX Coordinator may dismiss allegations of conduct that do not meet the definition of sexual harassment or did not occur in the Institute's education program or activity against a person in the U.S. Such a dismissal is only for Title IX purposes and does not preclude the Institute from addressing the conduct in any manner the Institute deems appropriate.

Dismissals of a formal complaint or allegations may also occur if the complainant informs the Title IX Coordinator in writing their desire to withdraw formal complaint or allegations therein, if the respondent is no longer enrolled or employed by the school, or if specific circumstances prevent the school from gathering sufficient evidence to reach a determination.

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 Institute of Beauty and Wellness and Aveda Institute Madison's disciplinary process. To the extent that an employee or contract



worker is not satisfied with the College's handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

Investigation of Complaints

In response to a formal complaint, The Institute of Beauty and Wellness and Aveda Institute Madison 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 Institute may choose to consolidate formal complaints where allegations arise out the same facts.

The Institute shall maintain confidentiality for all parties to the extent possible, but absolute confidentiality cannot be guaranteed. To protect privacy, the party's medical, psychological, and similar treatment records cannot be accessed or used in an investigation without the party's voluntary and written consent.

In cases where a student does not give consent for an investigation, the Title IX Coordinator will weigh the student's request for confidentiality against the impact on Institute's environment 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 respondent with the alleged harassment.

The preponderance of the evidence standard will apply to investigations, meaning The Institute of Beauty and Wellness and Aveda Institute Madison will evaluate whether it is more likely than not that the alleged conduct occurred. The burden of gathering evidence and the burden of proof of alleged sexual harassment is on the Institute, not the parties involved. The Institute will allow both parties to present fact and expert witnesses and other inculpatory and exculpatory evidence and does not restrict both parties to discuss the allegations or gathering evidence.

Both parties will have the same opportunity to select an advisor of their choice who may be but does not need to be, an attorney. The Title IX Coordinator will send written notice of any investigating interviews, meetings, or hearings to both parties. The Title IX Coordinator will send the parties, and their advisors, evidence directly related to the allegations, in electronic format or hard copy, with at least 10 days given for the parties to inspect, review, and respond to the evidence. An investigative report will be sent to the parties and their advisors that fairly summarizes relevant evidence, in electronic format or hard copy, with at least 10 days given for both parties to respond.

Hearings:



The Institute will hold a live hearing allowing both parties to present their evidence on the formal complaint. Those present at the hearing will be the decision-maker(s), the complainant, the respondent, and their advisors. If a party does not have an advisor present at the live hearing, the Institute must 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. Only relevant cross-examination and other questions may be asked of a party or witness.

At the live hearing, the decision-maker(s) must permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including that challenging credibility. Such cross-examination 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.

The Institute upholds rape shield protections for complainants (as to all recipients), 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.

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) 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.

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.

The Institute is responsible to create an audio or audiovisual recording, or transcript, of any live hearing.

Informal Resolutions

Informal resolutions are available at both party's voluntary, informed written consent submitted to the Title IX Coordinator and cannot be required 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 Institute cannot require parties to participate in an informal resolution process and may not offer an informal resolution before a formal complaint is filed. At any time before the



resolution being agreed upon, both parties have the right to withdraw from the informal resolution process and resume the grievance process concerning the formal complaint.

An informal resolution process is not an option to resolve allegations that an employee sexually harassed a student. A formal hearing must be conducted as part of the grievance process when involving employees of the Institute are the respondents' informal complaints.

Retaliation Prohibited

The Institute of Beauty and Wellness and Aveda Institute Madison will not retaliate against you for filing a complaint and will not tolerate retaliation by students or employees. The Institute will keep confidential the identity of complainants, respondents, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out Title IX proceedings. The exercise of rights protected under the First Amendment does not constitute retaliation.

If you believe you have been retaliated against, you should promptly notify your supervisor, Human Resources, or the Title IX Coordinator.

Reporting Requirements

Victims of sexual misconduct should be aware that Institute 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. The Institute of Beauty and Wellness and Aveda Institute Madison will make every effort to ensure that a complainant'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 of Beauty and Wellness and Aveda Institute Madison 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 Human Resources 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/>.