

Taylor Andrews Academy

Sexual Misconduct & Sexual Harassment Policy

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Taylor Andrews Academy

Sexual Misconduct & Sexual Harassment Policy

I. STATEMENT OF NON-DISCRIMINATION, TITLE IX & VAWA

Taylor Andrews Academy of Hair Design (“Taylor Andrews Academy,” “Taylor Andrews,” or “the Academy”) prohibits any form of discrimination and harassment on the basis of sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital or family status, medical condition, genetic information, veteran status, or disability in any decision regarding admissions, employment, or participation in a Taylor Andrews Academy program or activity in accordance with the letter and spirit of federal, state, and local non-discrimination and equal opportunity laws, such as Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, The Age and Discrimination in Employment Act, The Americans with Disabilities Act and ADA Amendments Act, The Equal Pay Act, and other applicable federal, state, and local anti-discrimination and equal opportunity laws.

Taylor Andrews Academy also complies with the Jeanne Clery Disclosure of Campus Security Policy and Campus Security Policy and Campus Crimes Statistics Act, as amended by the Violence Against Women Act (VAWA). Title IX prohibits retaliation for asserting or otherwise participating in claims of sex discrimination. VAWA imposes additional duties on universities and colleges to investigate and respond to reports of sexual assault, stalking, and dating or domestic violence, and to publish policies and procedures related to the way these reports are handled.

Taylor Andrews Academy has designated the Title IX Coordinator to coordinate the Academy’s compliance with Title IX and VAWA and to respond to reports of violations. Taylor Andrews has directed Tiffany Watson to coordinate the Academy’s compliance with the Clery reporting related to VAWA requirements. The Academy will promptly and equitably respond to all reports of sex discrimination, sexual misconduct, and sexual harassment in order to eliminate the prohibited conduct, prevent its recurrence, and redress its effects on any individual or the community.

II. POLICY STATEMENT

Title IX of the Education Amendments of 1972 (“Title IX”) prohibits discrimination based on sex in education programs and activities that receive federal financial assistance. Taylor Andrews Academy is committed to the principles of equal opportunity and seeks to establish and maintain an environment which ensures equal access to education for all Taylor Andrews community members including students, applicants for admission, employees, applicants for employment, guests, and visitors. Taylor Andrews does not discriminate on the basis of sex in any education program or activity operated by the Academy including, but not limited to, admissions, employment, recruitment, compensation, and athletics as well as access to housing and facilities, classes and schools, counseling, employment assistance to students, health and insurance benefits and services, and fringe benefits. Taylor Andrews Academy is required by Title IX and the regulations thereunder not to discriminate in such a manner.

For additional information or inquiries about the application of Title IX and the regulations thereunder, contact Taylor Andrews Academy’s Title IX Coordinator and/or the Assistant Secretary of the United States Department of Education.

The contact information for Taylor Andrews Academy's Title IX Coordinator is as follows:

Jami Gierloff

Corporate Administrative Director & Title IX Coordinator
9052 S. 1510 W.
West Jordan, UT 84088
Phone: 801-748-2288
Email: jami@taylorandrew.com

Title IX Deputy Coordinators include:

Tiffany Watson

West Jordan Academy
Director
tiffany@taylorandrew.com
9052 S. 1510 W.
West Jordan, UT 84088

Brooklynn Witney

Provo Academy Director
brooklynn@taylorandrew.com
2035 N 550 W
Provo, UT 84604

Lauren Moser

Detroit Academy Director
lauren@hairlabdetroitbarberschool.com

The United States Department of Education, Office for civil Rights regional office contact information is as follows:

DENVER OFFICE

U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310
Denver, CO 80204-3582
Telephone: (303) 844-5695
Facsimile: (303) 844-4303
[Email: OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)

Complaints with the Office for Civil Rights must be filed within one hundred eighty (180) days of the last act that the Complainant believes was discriminatory. There is no time limit for making a report to Taylor Andrews Academy.

III. THE POLICY

A. SCOPE OF POLICY & GENERAL REPORTING INFORMATION

This policy applies to prohibited conduct (as defined in this policy) that occurs in a Taylor Andrews Academy educational program or activity that is likely to have a substantial adverse effect on any member of the Academy community. There is no time limit for reporting allegations of sex discrimination, sexual misconduct, and sexual harassment, however, the Academy strongly encourages the prompt reporting of sex discrimination, sexual misconduct, and sexual harassment to allow the Academy to respond promptly and effectively. If the reported respondent is not a member of the Taylor Andrews community or is no longer associated with the Academy at the time of the report or at the time of a resolution process is

initiated, the Academy may be unable to conduct an investigation or take disciplinary action. The appropriate grievance or complaint process regarding a report will depend upon form of prohibited conduct and status of the complainant at the Academy.

Taylor Andrews Academy provides the following information on how to report sex discrimination, sexual misconduct, and sexual harassment to Taylor Andrews and outlines Taylor Andrews' response to such reports.

Any person may experience sex discrimination, sexual misconduct, or sexual harassment, irrespective of the identity of the complainant or respondent, and is encouraged to report such incidents to Taylor Andrews. Any person, regardless of whether or not the person reporting the alleged incident is the person alleged to be victimized by the incident, may report sex discrimination, sexual misconduct, or sexual harassment to the Title IX Coordinator. Reports may be made at any time, including during non-business hours, in person, by mail to the office address listed for the Title IX Coordinator, by telephone, by email, or any other means that result in the Title IX Coordinator receiving a person's written or verbal report.

Individuals may submit an Incident Report by email, mail, or in person directly to the Title IX Coordinator. The [Incident Report](#) can be found in this document.

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Provo, UT 84604

Lauren Moser

Detroit Academy Director
lauren@hairlabdetroitbarberschool.com

When the Title IX Coordinator receives a report (either written or oral) of sex discrimination, sexual misconduct, or sexual harassment, they will contact the complainant to provide supportive measures. For more information about [Supportive Measures](#), see Section III.D.

Upon receipt of a report, complaint, or formal complaint (as defined in [Section IV](#) of this policy), the Title IX Coordinator will review the details of the alleged incident and conduct a preliminary assessment to determine which of Taylor Andrews' grievance procedures will be applied to address the report. Regardless of the type of incident, Taylor Andrews Academy applies prompt and equitable grievance procedures to resolve complaints of sex discrimination, sexual misconduct, and sexual harassment. Taylor Andrews grievance procedures apply equally to all persons regardless of sex, gender, sexual orientation or gender identity.

Formal complaints of incidents of sexual harassment as defined under Title IX involving Taylor Andrews students or employees will be addressed using the [Title IX Formal Complaint & Grievance Process](#) as described in [Section V.C.](#) of this policy.

Complaints regarding incidents of sexual misconduct will be addressed using the student grievance procedures outlined in the [Taylor Andrews Academy Student Catalog](#) (for incident involving students) or complaint procedures outlined in the Employee Manual (for incidents involving students).

Incidents of sex discrimination which do not involve sexual harassment as defined under Title IX or sexual misconduct will be addressed using procedures outlined in the Student Catalog (for incidents involving students) or Employee Manual (for incidents involving employees).

When possible, the Title IX Coordinator will notify the reporting party of Taylor Andrews' grievance procedures which correspond to the alleged incident.

Please see [Section V.A. Reporting Sex Discrimination, Sexual Misconduct & Sexual Harassment](#) to make a report of prohibited conduct.

B. TITLE IX COORDINATOR RESPONSIBILITIES

All educational institutions receiving federal financial assistance must designate and authorize at least one employee to coordinate its efforts to comply with its responsibilities under Title IX of the Education Amendment of 1972, which prohibits sex discrimination in education programs and activities. These designated employees are generally referred to as Title IX Coordinators.

The contact information for Taylor Andrews Academy's Title IX Coordinator is as follows:

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Lauren Moser

Detroit Academy Director
lauren@hairlabdetroitbarberschool.com

The Title IX Coordinator is responsible for responding to reports and complaints of sex discrimination, sexual misconduct, and sexual harassment on behalf of Taylor Andrews Academy. The Title IX Coordinator's responsibilities include, but are not limited to:

- Receiving the required training in relevant state and federal laws and Taylor Andrews Academy policies and procedures;

- Advising an individual, including a complainant, third-party reporter, or respondent, about Taylor Andrews Academy’s policies and procedures related to sex discrimination, sexual misconduct, and sexual harassment as well as explaining courses of action available at Taylor Andrews and the courses of action available externally regarding any such incidents, including reporting to law enforcement;
- Receiving incident reports of sex discrimination, sexual misconduct, and sexual harassment;
- Informing complainants of the availability of supportive measures;
- Informing complainants of the process for filing a formal complaint under Title IX;
- Offering supportive measures to complainants designed to restore or preserve equal access to Taylor Andrews’ education program or activity;
- Conducting Title IX investigations;
- Working with respondents to provide supportive measures, as appropriate;
- Coordinating the effective implementation of both supportive measures (to one or both parties) and remedies to a complainant as well as disciplinary sanctions which may be imposed upon a respondent after the formal complaint process;
- Handling other tasks and responsibilities as determined by the Title IX Coordinator.

C. PROHIBITED CONDUCT

Taylor Andrews Academy prohibits a broad spectrum of behavior, including sex discrimination, sexual misconduct, and sexual harassment under Title IX.

Sexual misconduct and sexual harassment may also encompass criminal conduct under applicable state and/or federal law. Additionally, sexual misconduct and sexual harassment under this policy may result in civil and/or administrative legal consequences.

The following conduct is specifically prohibited under this policy:

i. Sex discrimination

Discrimination against an individual based on that person’s sex, gender, gender identity or sexual orientation.

ii. Sexual Misconduct

The Academy considers the following behavior to be sexual misconduct under its own policy :

a. Harassment, Bullying or Cyberbullying

Harassment, bullying or cyberbullying, are defined as repeated and/or severe aggressive behavior likely to intimidate or intentionally hurt, control or diminish another person, physically or mentally that includes, but is not limited to: creating web pages with a negative focus; posting insults or lewd photos on social networking sites; and/or spreading rumors with malicious intent. When these acts occur in the context of intimate partner violence or when the behavior is perpetrated on the basis of sex or gender, the conduct will be resolved under the Sexual Misconduct & Sexual Harassment Policy. Harassment bullying or cyberbullying not of a sexual nature will be dealt with through the Academy’s procedures outlined in the Student Catalog or Employee Manual.

Harassment based on gender, sexual orientation, gender identity, or gender expression, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex/gender or sex/gender-stereotyping, even if the acts do not involve conduct of a sexual nature. Same-sex harassment violates this policy.

b. Intent to Commit Sexual Contact

Committing, attempting, or inciting another to commit sexual contact with another member of the Academy community without that person's consent, including but not limited to, rape and other forms of sexual assault.

c. Non-Consensual Sexual Contact

Having sexual contact with another individual:

- By force or threat of force;
- Without effective consent; or
- Where that individual is incapacitated.
- Sexual contact includes any intentional touching of the intimate parts of another, causing another to touch one's intimate parts, or disrobing or exposure of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.

d. Sexual Exploitation

Taking sexual advantage of another person or violating the sexual privacy of another when consent is not present. This includes, but is not limited to, the following actions (including when they are done via electronic means, methods or devices):

1. Sexual voyeurism or permitting others to witness or observe the sexual or intimate activity of another person without that person's consent;
2. Indecent exposure or inducing others to expose themselves when consent is not present;
3. Recording or distributing information, images or recordings of any person engaged in sexual or intimate activity in a private space without that person's consent;
4. Prostituting another individual;
5. Knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
6. Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

e. Physical Harm and Intimidation

Threatening, or causing physical harm, written or verbal abuse or other conduct that threatens or endangers the health or safety of any person; or implied threats or acts that cause an unreasonable fear of harm in another. When these acts occur in the context of intimate partner violence or when the behavior is perpetrated on the basis of sex or gender, the conduct will be resolved under the Sexual Misconduct & Sexual Harassment Policy.

f. Forcible Sexual Abuse

The victim is 14 year of age or older, and the actor touches the anus, buttocks, pubic area, or any part of the genitals of another, or touching of the breast of a female, or otherwise takes indecent liberties with another, with intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual, without the consent of the other, regardless of the sex of any participant.¹

Additional examples of sexual misconduct include, but are not limited to:

- Persistent, unwelcome flirtation, advances and/or propositions of sexual nature;
- Repeated insults, “wolf-whistling,” humor, jokes and/or anecdotes that belittle or demean an individual’s or a group’s sexuality or sex;
- Repeated, unwelcome comments of sexual nature about an individual’s body or clothing;
- Unwarranted displays of sexually suggestive objects or pictures;
- Pressure for sexual favors;
- Administration of date rape drug(s)

iii. Sexual Harassment under Title IX

Sexual harassment is a form of sex discrimination. Title IX defines sexual harassment as conduct on the basis of sex that satisfies **one or more of the following three types of behavior**:

1. Quid pro quo harassment

A Taylor Andrews employee conditioning provision of an aid, benefit or service of the Taylor Andrews on an individual’s participation in unwelcome sexual conduct. For example, unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature by a person having power or authority over another constitutes sexual harassment when submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual’s educational or employment progress, development or performance. This includes when submission to such conduct would be a condition for access to receiving the benefits of or opportunities in any educational or employment program.

Quid pro quo harassment does not need to be severe and pervasive, as required under Paragraph iii. 2 below, because the abuse of authority in the form of even a single instance is inherently offensive and serious enough to jeopardize equal educational access.

2. Davis Standard: Denial of Equal Educational Access due to Severe, Pervasive, and Objectively Offensive Conduct

Unwelcome conduct determined by a reasonable person to be so **severe, pervasive and objectively offensive** that it effectively denies a person equal access to Taylor Andrews’ education program or activity.

¹ See applicable state criminal law.

Signs of enduring *unequal* educational access due to severe, pervasive, and objectively offensive sexual harassment may include skipping class to avoid a harasser, a decline in a student's grade point average, or having difficulty concentrating in class. However, no concrete injury is required to conclude that serious harassment would deprive a reasonable person in the complainant's position of the ability to access Taylor Andrews education program or activity on an equal basis with persons who are not suffering such harassment.

3. Sexual Assault, Dating Violence, Domestic Violence, and Stalking

Sexual Assault: Forcible or non-forcible sex offenses under the FBI's Uniform Crime Reporting program (U.C.R.). Various forms of sexual assault include:

Sex Offenses, Forcible: Any sexual act directed against another person, without the consent of the victim including instances where the victim is incapable of giving consent.

Forcible Rape: (Except Statutory Rape) The carnal knowledge of a person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity.

Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sexual Assault with an Object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Forcible Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person's will or not forcibly or against the person's will in instances where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

Sex Offenses, Nonforcible: (Except Prostitution Offenses) Unlawful, nonforcible sexual intercourse.

Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Statutory Rape: Nonforcible sexual intercourse with a person who is under the statutory age of consent. The applicable age of consent is determined by the law of the state in which the conduct occurs.

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim and where the existence of such a relationship shall be determined based on a consideration of the following factors:

1. The length of the relationship
2. The type of relationship
3. The frequency of interaction between the persons involved in the relationship

Domestic Violence: 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. 34 U.S.C. 12291 (a)(8)

Stalking: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

Sexual assault, which includes rape, is referenced in the third prong of the definitions of sexual harassment. Note that any report of sexual assault, dating violence, domestic violence, or stalking is not subject to the Davis elements referenced in the second prong of definitions of sexual harassment, which consider whether the incident was "severe, pervasive, and objectively offensive." A single act of sexual assault, dating violence, domestic violence, and stalking does not need to demonstrate severity, pervasiveness, objective offensiveness, or denial of equal access to education because denial of equal access is assumed. Therefore, complainants can feel confident reporting such incidents to Taylor Andrews Academy and receive supportive measures without wondering whether sexual assault is 'bad enough' to report.

Taylor Andrews Academy is required under Federal Title IX regulations to respond to incidents of sexual harassment as stated above. Additionally, conduct outlined in the above definitions of sexual harassment and sexual misconduct may be considered a violation of applicable state or federal law and may be subject to mandatory reporting and/or criminal investigation.

D. ADDITIONAL INFORMATION

Amnesty Provision

Anyone, including a complainant, who reports an incident of sex discrimination, sexual misconduct, or sexual harassment in good faith may not be disciplined by Taylor Andrews Academy for any related Standard of Conduct violation arising out of the same facts or circumstances as the report unless a person's health or safety is at risk. Students may be entitled to additional amnesty under certain circumstances, as provided by applicable state law. However, involved parties who have violated the Standard of Conduct or Employee Manual may be offered and encouraged to seek support, counseling, or education efforts intended to benefit the individual and/or community by the Academy.

Privacy, Confidentiality & Privilege

The Academy is committed to protecting the privacy of all individuals involved in a report of sex discrimination, sexual misconduct, and/or sexual harassment. In any report under this policy, every effort will be made to protect the privacy interests of all individuals involved in a manner consistent with the need for a careful assessment of the allegation and any necessary steps to eliminate the harassment, prevent its recurrence, and address its effects. Privacy, confidentiality, and privilege have distinct meanings under this policy.

Privacy

Privacy generally means that information related to a report of sex discrimination, sexual misconduct, or sexual harassment will only be shared with a limited circle of individuals, including individuals who “need to know” in order to assist in the review, investigation, or resolution of the report or to deliver resources or support services. While not bound by confidentiality or privilege, these individuals will be discreet and respect the privacy of all individuals involved in the process. All participants in an investigation of sexual misconduct or sexual harassment, including advisors and witnesses, will be informed that privacy helps enhance the integrity of the investigation and protect the privacy interests of the parties and will be asked to keep any information learned in an investigation meeting or hearing confidential, to the extent consistent with applicable law.

In accordance with Title IX, the Academy will keep private the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute or regulations, 20 U.S.C. 1232g and 34 CFR part 99, or required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

Confidentiality

Certain individuals are designated as having confidentiality. For reports made to employees designated with having confidentiality, the Academy will respect the reporting party’s expectations of privacy **to the extent permissible by law** while still ensuring compliance with other reporting obligations. For example, complaints involving minors are subject to mandatory reporting requirements.

Individuals designated as having confidentiality are required to report the nature, date, time and general location of an incident to the Title IX coordinator. Confidential resources will not share other information with the Title IX Coordinator or any other employee of the Academy without the express permission of the disclosing party. Confidential resources can provide information about the Academy and off-campus resources, support services and other options. As noted above, because of the confidential nature of these resources, disclosing information to or seeking advice from a confidential resource does not constitute a report or complaint to the Academy and will not result in a response or intervention by Taylor Andrews. A person consulting with a confidential resource may later decide to make a report to the Academy and/or law enforcement.

Community members wishing to seek completely confidential assistance may speak with off-campus counselors, health service providers or rape crisis resources, who will maintain confidentiality.

Privilege

Communication with certain individuals may be privileged by operation of law and reports made to these individuals will not be shared with the Taylor Andrews Academy Title IX Coordinator or law enforcement except in very limited situations, such as when failure to disclose the information would result in imminent danger to the individual or to others or as otherwise required by law.

Release of Information: Pursuant to the Clery Act, anonymous statistical information must be shared with Campus Safety where required by the Clery Act. Annual Clery reporting to the U.S. Department of Education is required by educational institutions for certain offenses that have been reported at campus locations. The information contained in the Clery report tracks the number of Clery reportable offenses occurring at campus locations and does not include the names or any other identifying information about the persons involved in the incident.

The Academy may share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions.

Disciplinary Sanctions & Remedies

Respondents and complainants may be subject to the following disciplinary sanctions and remedies, respectively:

Disciplinary Sanctions: Respondents found responsible for sexual misconduct and/or sexual harassment as defined in this policy may be subject to disciplinary sanctions at the conclusion of the appropriate grievance process. For more information about disciplinary sanctions, see the Taylor Andrews Academy Student Catalog and/or Employee Manual.

The range of possible sanctions for students includes, but is not limited to:

- Official Warning
- Educational Sanctions
- Disciplinary Probation
- Suspension for a period of 1 day up to 1-week with a fee of \$50 charged for each suspension before returning to school.
- A second suspension would result in an additional 1-week suspension.
- Termination or Dismissal from Taylor Andrews Academy

The range of possible sanctions for employees includes, but it not limited to:

- Verbal Discussion: There will be a review of guidelines outlined in handbooks, policy statements or memorandums and/or verbal warning will be issued.
- Team Build: The nature of the prohibited conduct and a course of corrective action should be documented and discussed with the employee. Equivalent to formal counseling.
- Corrective: If satisfactory improvement has not been made, then the employee may be given written warning (probation) or suspension. All decisions are made on a case-by-case basis, and management may determine, based upon the circumstances, to give additional warnings or suspensions.
- Termination (Final Corrective): If there is no improvement or the improvement does not meet the requirements set forth in earlier actions, the employee shall be terminated.

Remedies: Remedies are provided to the complainant and designed to restore or preserve their equal access to Taylor Andrews Academy’s education program or activity. Remedies may be the same individualized services as described on in Section III.D. as [Supportive Measures](#). However, remedies do not need to be non-disciplinary or non-punitive and do not need to avoid burdening the respondent.

Remedies may include, but are not limited to:

- Guidance in identifying external counseling services and assistance in setting up an initial appointment
- Imposition of an on-campus “no-contact” order
- Rescheduling of exams and assignments
- Change in class schedule, including the ability to transfer course sections or withdraw from a course without penalty
- Additional remedies, which can be tailored to the complainant to achieve the goals of this policy.

The Title IX Coordinator is responsible for implementation of any remedies.

False Accusations

Taylor Andrews Academy prohibits parties, including complainants, respondents, and witnesses, from knowingly making false statements or knowingly submitting false information during the grievance process.

Taylor Andrews Academy reserves the right to charge an individual with a Standard of Conduct or other internal policy violation for making a materially false statement in bad faith during the course of the grievance process. Such charges do not constitute retaliation on behalf of Taylor Andrews Academy against the individual as the individual has violated Taylor Andrews own policy.

Jurisdiction of this Policy

Any person may experience sex discrimination, sexual misconduct, or sexual harassment anywhere. Therefore, any individual may report any incident to the Title IX Coordinator. However, Taylor Andrews Academy’s response to such incidents is dependent upon the location of the alleged incident.

The [Title IX Formal Complaint & Grievance Process](#) described in this policy as well as the grievance and complaint procedures outlined in the Student Catalog and Employee Manual, respectively, must be applied when alleged incidents of sex discrimination, sexual misconduct, or sexual harassment as defined in [Section III.C.iii](#). occur in Taylor Andrews Academy’s own education program or activity as defined in [Section IV](#). of this policy and in the United States.

Alleged incidents of sex discrimination, sexual misconduct, and sexual harassment which occur outside of a Taylor Andrews Academy education program or activity (as defined in this policy) or outside of the United States are not covered under this policy. However, complainants are still encouraged to seek supportive measures in the event of prohibited conduct, regardless of where the incident occurred.

Taylor Andrews Academy’s jurisdiction extends to electronic, digital, and online sexual misconduct and sexual harassment which occurs in an education program or activity (as referenced in [Section IV.](#)), in

which Taylor Andrews exercises substantial control over the respondent and the context in which the harassment occurs. Factual circumstances of electronic, digital, and online sexual misconduct and sexual harassment will be analyzed on a case by case basis to determine the context in which the harassment occurred.

Electronic, digital, and online forms of [sexual misconduct](#) which occur within the Academy's own education program or activity will be addressed using grievance procedures outlined in the Student Catalog (for incidents involving students) or the complaint procedures described in the Employee Manual (for incidents involving employees).

Electronic, digital, and online forms of [sexual harassment](#) under Title IX will be addressed using the [Title IX Formal Complaint and Grievance Process](#) outlined in Section V.C.

For clarification regarding incidents which occur on-campus versus off-campus, see the definition of Education Program or Activity in Section IV.

Retaliation

Taylor Andrews Academy prohibits any person from intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations, or because an individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under Title IX and its implementing regulations.

This retaliation provision may apply to any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, any witness, or any other individuals who participate (or refuse to participate) in any manner in an investigation, proceeding, or hearing of Taylor Andrews Academy Title IX grievance process. This policy includes protecting the complainant, respondent, and witnesses from being coerced, intimidated, threatened, or otherwise discriminated against based on their participation or refusal to participate in the Title IX grievance process.

Retaliation includes intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or its implementing regulations.

Charging an individual with a Standard of Conduct or other Academy policy violation for making a materially false statement in bad faith in the course of the grievance process does not constitute retaliation. However, a determination regarding responsibility alone is not sufficient to conclude that an individual made a materially false statement in bad faith. A complainant's allegations may not have been false even where the ultimate determination is that the respondent is not responsible and/or that the complainant may not have acted subjectively in bad faith (and conversely, that a respondent may not have made false, or subjectively bad faith, denials even where the respondent is found responsible).

Exercising rights protected under the First Amendment does not constitute retaliation.

The parties have the right to discuss the allegations under investigation, but this right does not preclude Taylor Andrews from warning the parties not to discuss or disseminate the allegations in a manner that constitutes retaliation or unlawful tortious conduct. It is unacceptable for any person to leak or disseminate information to retaliate against another person.

Complaints alleging retaliation may be filed with Taylor Andrews Academy's Title IX Coordinator, which will be handled using the prompt and equitable grievance procedures available for non-sexual harassment sex discrimination complaints by students and employees, as referenced in the Taylor Andrews Academy Student Catalog and Employee Manual.

Retaliation may also violate applicable state or federal law, including laws protecting complainants, respondents, and witnesses from threats, intimidation, coercion, discrimination, or physical harm because of their participation in a report, complaint, investigation, hearing, or other grievance process.

Supportive Measures

Supportive measures are non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant and respondent without unreasonably burdening the other party.

Supportive measures are designed to:

- Restore or preserve equal access to the party's education at Taylor Andrews Academy;
- Protect the safety of all parties or the Taylor Andrews Academy educational environment; or
- Deter sexual harassment.

Taylor Andrews Academy's Supportive Measures include, but are not limited to:

- Assistance in identifying external counseling services;
- Extensions of deadlines or other course-related adjustments;
- Modifications of work or class schedules;
- Mutual restrictions on contact between the parties;
- Changes in work locations;
- Leaves of absence;
- Increased security and monitoring of certain areas of the campus when possible; and
- Other similar measures as necessary

Taylor Andrews will offer supportive measures to every complainant when the Title IX Coordinator receives a report of an incident of sexual misconduct or sexual harassment. Examples of a report may include written or oral reports submitted by a complainant or third-party reporter.

Upon receiving a report of an alleged incident of sexual harassment or sexual misconduct, the Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures and explain the option for filing a formal complaint under Title IX as well as the Title IX grievance process. The Title IX Coordinator will also explain how to initiate the student grievance procedures described in the Student Catalog and/or the complaint procedures outlined in the Employee Manual, if applicable. The complainant will have the opportunity to express what they would like in the form of supportive measures, and the Title IX Coordinator will take into account the complainant's wishes in determining which supportive measures to offer. Supportive measures will be available to complainants regardless of whether or not they wish to file a formal complaint to initiate a grievance process.

Supportive measures remain available to the complainant before and after filing a formal complaint of sexual harassment or a complaint of sexual misconduct as well as when no formal complaint or complaint has been filed. Additionally, Taylor Andrews Academy will provide supportive measures to complainants even when the alleged incident does not constitute sexual harassment under Title IX, fall within the jurisdictional conditions of this policy, or constitute sexual misconduct under this policy. For example, a complainant may still seek supportive measures when an incident of sexual harassment occurs outside of Taylor Andrews' education program or activity or outside of the United States. A complainant may request supportive measures when the alleged conduct is considered to be sexual misconduct under this policy but does not qualify as sexual harassment under Title IX.

Supportive measures may remain in place throughout an appeal process.

Regardless of the result of the Title IX grievance process, Taylor Andrews reserves the right to continue supportive measures. Therefore, if Taylor Andrews determines that a respondent is not responsible for

violating Title IX, Standard of Conduct, or Employee guidelines, Taylor Andrews may continue providing supportive measures to a complainant or respondent to restore or preserve equal access to their education.

Taylor Andrews Academy adheres to Federal Title IX regulations, which require the equitable treatment of complainants and respondents. Equitable treatment under Title IX includes providing supportive measures and remedies for complainants and avoiding disciplinary action against respondents until the formal grievance process as outlined in this policy is completed. While respondents will be offered supportive measures, Title IX does not require equality or parity with respect to the supportive measures provided to complainants and respondents.

Confidentiality & Supportive Measures: Taylor Andrews Academy will keep confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality would not impair the ability of Taylor Andrews to provide the supportive measures. For example, where a no-contact order is appropriate, the respondent would need to know the identity of the complainant in order to comply with the no-contact order, or campus security is informed about the no-contact order in order to help enforce its terms. For more information about confidentiality during the Title IX grievance process, see Section III.D [Privacy, Confidentiality & Privilege](#).

In order for Taylor Andrews to provide supportive measures to the complainant, Taylor Andrews must know the identity of the complainant. Therefore, it is not possible for the complainant to remain anonymous and receive supportive measures because at least one school official (such as the Title IX Coordinator) must know the complainant's identity in order to offer and implement any supportive measures. A complainant or third party may desire to report sexual harassment without disclosing the complainant's identity, but Taylor Andrews will be unable to provide supportive measures in response to the report without knowing the complainant's identity.

Implementation of Supportive Measures: The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures. Although supportive measures may require collaboration with various Departments on campus, the Title IX Coordinator will serve as the point of contact for complainants and respondents.

EMERGENCY REMOVAL

Taylor Andrews Academy reserves the right to remove a respondent from a Taylor Andrews education program or activity without undergoing a grievance process on an emergency basis in the event that Taylor Andrews undertakes an individualized safety and risk analysis and determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal.

In the event of emergency removal, Taylor Andrews will provide the respondent with post-removal notice and the opportunity to challenge the decision immediately following the removal.

ADMINISTRATIVE LEAVE

Taylor Andrews Academy reserves the right to place a non-student employee respondent on administrative leave during the pendency of a grievance process outlined in this policy.

IV. DEFINITIONS

The following terms are related to the Sexual Misconduct & Sexual Harassment policy:

Actual Knowledge: Notice of sexual harassment or allegations of sexual harassment delivered to Taylor Andrews Academy's Title IX Coordinator. Such notice includes reports sent to the Title IX Coordinator in person, by mail, by telephone, by email, telephone call, in-person, or any other means that result in the Title IX Coordinator receiving a person's written or verbal report. Individuals may also submit an [Incident Report](#) to the Title IX Coordinator via email, mail, or in person.

Advisor: An individual who provides support, guidance, and/or assistance to the complainant or responding party throughout the investigation, hearing, appeals, and/or informal resolution process. Complainants and respondents have the right to select an advisor of their choice. Advisors may be a friend, mentor, family member, attorney, or any other supporter a party chooses to advise them who is both eligible and available. Advisors are required during the hearing process. If a party does not have an advisor present at the hearing process, Taylor Andrews Academy will provide the party with an advisor. Additional information about the role of advisors can be in [Section V.C.ii. Right to an Advisor](#).

Complaint: A document that initiates the grievance procedures outlined in the Taylor Andrews Academy Student Catalog or complaint procedures under the Employee Manual against a respondent alleging sexual misconduct. For more information about how to file a complaint, see Taylor Andrews' Student Catalog (for incidents involving students) or Employee Manual (for incidents involving employees).

Complainant: An individual who is alleged to be the victim of conduct that could constitute sexual harassment. A complainant may, but is not required to be, a student, employee, or other Taylor Andrews community member.

Consent: An agreement between participants to engage in sexual activity. Consent is not present if the victim expresses lack of consent through words or conduct; the perpetrator overcomes the victim through physical force, violence, concealment, or the element of surprise; the perpetrator threatens retaliation through physical force, kidnapping, or extortion; the victim is unconscious, unaware, or physically unable to resist; the perpetrator intentionally impaired the power of the victim to appraise or control his or her conduct by administering any substance without the victim's knowledge.

Consent cannot be given by someone who is incapacitated for any reason (i.e., because of the victim's age, disability, unconsciousness, or use of drugs or alcohol). Additionally, consent cannot be implied by silence, the absence of resistance, or past consent with the same or another person. Even if a person has given his or her consent to engage in sexual activity, consent to engage in further sexual activity can be withdrawn at any time. Consent is invalid where it is given under coercion, force, or threats.

Education Program or Activity: All of the operations of Taylor Andrews Academy, which may be on or off campus, as well as locations, events, or circumstances over which Taylor Andrews exercises substantial control over both the respondent and the context in which an incident of sexual harassment occurs. Additionally, any building owned or controlled by student organizations which are officially recognized by Taylor Andrews Academy are also considered to be part of Taylor Andrews' education program or activity.

Taylor Andrews Academy's education program or activity also extends to operations which include computer and internet networks, digital platforms, and computer hardware or software owned or operated by, or used in the operations of Taylor Andrews.

Formal Complaint: A document that initiates the grievance process outlined in [Section V.C.ii.](#) of this policy against a respondent alleging Title IX sexual harassment. A formal complaint must be filed by the complainant or signed by the Title IX coordinator alleging sexual harassment against a respondent and requesting that Taylor Andrews investigate the allegation of sexual harassment. At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in an education program or activity at Taylor Andrews Academy. A formal complaint may be a document delivered to the Title IX Coordinator's office or electronic submission sent via email which contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the complaint. Individuals may download the [Formal Complaint form](#) and submit it via email, mail or in-person to the Title IX Coordinator.

Submission of a formal complaint to Taylor Andrews Academy is not equivalent to filing charges with local law enforcement and does not require a complainant to file charges with local law enforcement. For more information about reporting incidents of sexual misconduct or sexual harassment to local law enforcement, see [Section V.A. Reporting Sex Discrimination, Sexual Misconduct & Sexual Harassment.](#)

Report: Notice, either written or oral, provided to the Title IX Coordinator of an alleged incident of sex discrimination, sexual harassment, or sexual misconduct. Any person, regardless of whether or not the person reporting the alleged incident is the person alleged to be the victim the incident may report sex discrimination, sexual misconduct or sexual harassment. Reports may be made at any time, including during non-business hours, in person, by mail to the office address listed for the Title IX Coordinator, by telephone, by email, or any other means that result in the Title IX Coordinator receiving a person's written or verbal report. Individuals may also download and submit an [Incident Report](#) by email, mail, or in person directly to the Title IX Coordinator. A report is distinguished from a formal complaint or complaint as defined above.

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

Standard of Evidence (Preponderance of Evidence): The standard used to determine if a Title IX policy violation occurred. Taylor Andrews Academy uses a "preponderance of evidence" standard, which means that the evidence demonstrated in the grievance process demonstrates that it is more likely than not that the alleged conduct or policy violation occurred.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or 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 Taylor Andrews Academy's education programs or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or Taylor Andrews Academy's educational environment, or deter sexual harassment. Supportive measures are described in further detail in [Section III.D.](#)

V. PROCEDURES

A. REPORTING SEX DISCRIMINATION, SEXUAL MISCONDUCT & SEXUAL HARASSMENT

Any person may report an incident(s) of sex discrimination, sexual misconduct, or sexual harassment to the Title IX Coordinator. The reporting party may be the person directly affected by the alleged incident (referred to as “complainant”) or a third party. Reports of sex discrimination, sexual misconduct, and sexual harassment may be written or verbal and may be made at any time (including non-business hours) in person, by using the telephone number or email address, or by mail to the office address, of the Title IX Coordinator.

The contact information for Taylor Andrews Academy’s Title IX Coordinator is as follows:

Jami Gierloff

Corporate Administrative Director & Title IX Coordinator
9052 S. 1510 W.
West Jordan, UT 84088
Phone: 801-748-2288
Email: jami@taylorandrew.com

Title IX Deputy Coordinators include:

Tiffany Watson

West Jordan Academy
Director
tiffany@taylorandrew.com
9052 S. 1510 W.
West Jordan, UT 84088

Brooklynn Witney

Provo Academy Director
brooklynn@taylorandrew.com
2035 N 550 W
Provo, UT 84604

Lauren Moser

Detroit Academy Director
lauren@hairlabdetroitbarberschool.com

When the Title IX Coordinator receives notice through a report (either written or oral), complaint, or formal complaint of an alleged incident of sex discrimination, sexual misconduct, or sexual harassment, the Title IX Coordinator will promptly contact the complainant to:

1. Discuss the availability of supportive measures, as defined in [Section III. D.](#) of this policy;
2. Consider the complainant’s wishes with respect to supportive measures;
3. Inform the complainant of the availability of supportive measures with or without filing a complaint or formal complaint;
4. Explain to the complainant:
 - a. Taylor Andrews Academy’s procedures for handling non-sexual harassment sex discrimination;
 - b. Process for filing a complaint to initiate the grievance procedures outlined in the Student Catalog (for incidents involving students) or complaint procedures outlined in the Employee Manual (for incidents involving employees), if appropriate; and/or
 - c. Process for filing a formal complaint under Title IX , as outlined in [Section V.C.](#) of this policy.

The Title IX Coordinator will conduct a preliminary assessment of the report, complaint, or formal complaint to assist the complainant in determining which grievance process or procedures the

complainant may initiate, if they desire. For more information about the Preliminary Assessment, see [Section V.B.](#)

Note: If a report submitted by a third party does not contain the identity of the reporting party but does contain the identity of the complainant, upon receipt of the report, the Title IX Coordinator will contact the complainant to offer supportive measures and explain the process for filing a formal complaint. However, if a report does not contain the identity of the complainant, Taylor Andrews will be unable to contact the complainant to offer supportive measures. While the Title IX Coordinator will keep confidential the complainant's identity (unless disclosing the complainant's identity is necessary to provide supportive measures for the complainant, such as issuing no-contact orders), the Title IX Coordinator must know the identity of the complainant to offer such supportive measures.

In addition to reporting an incident of sex discrimination, sexual misconduct, or sexual harassment to the Title IX Coordinator, individuals may also report to local law enforcement.

Reporting to Local Law Enforcement

Taylor Andrews Academy encourages anyone who has experienced sexual misconduct or sexual harassment to pursue criminal action for incidents that may also be crimes under applicable criminal statutes. Law enforcement officers are trained in handling sexual assault and other cases involving sexual misconduct and harassment. Reporting to law enforcement does not require prosecution of the offense and the reporting party's wishes will be taken into account by law enforcement. The police report and any supporting evidence may be turned over to the appropriate District Attorney's Office, which decides whether there is sufficient evidence to prosecute. Information about the law enforcement process of reporting, the investigation, arrests, filing of charges, hearings, the trial and sentencing will be explained at the time of the report. Taylor Andrews Academy employees will assist the reporting party in contacting local law enforcement, if explicitly requested by the reporting party. However, reporting an incident of sexual misconduct or sexual harassment to Taylor Andrews does not in any way equate to reporting the incident to local law enforcement. An individual may decide to report an incident exclusively to Taylor Andrews, exclusively to local law enforcement, or to both Taylor Andrews and local law enforcement.

Contact information for local police departments:

In case of emergency, call 911.

West Jordan Police Department
Non-Emergency: 801-256-2000
8040 S Redwood Rd, West Jordan, UT 84088

Provo Police Department
Non-Emergency: (801) 852-6210
48 S 300 W, Provo, UT 84601
Detroit Police Department
Non-Emergency: (313) 267-4600
1301 Third St, Detroit, MI 48226

Should an individual report an incident of sexual misconduct or sexual harassment to both Taylor Andrews and local law enforcement, Taylor Andrews will comply with law enforcement requests for cooperation. Such cooperation may require Taylor Andrews to temporarily suspend its own investigation

into the alleged incident while local law enforcement gathers evidence. During this time, Taylor Andrews will continue to offer supportive measures to the complainant. As soon as local law enforcement or Taylor Andrews determines that a delay is no longer necessary, Taylor Andrews will promptly resume its Title IX or other internal investigation.

Taylor Andrews Academy policy, definitions, and standard of proof differ from applicable criminal law. Neither law enforcement's determination whether to prosecute a respondent nor the outcome of any criminal prosecution will determine whether sexual misconduct or sexual harassment has occurred under this Taylor Andrews policy. Proceedings under this policy may be carried out prior to, simultaneously with or following civil or criminal proceedings off campus.

Assessing Articulate & Significant Threats to Report to Local Law Enforcement

Where required by applicable state law, the Academy will keep an alleged incident report confidential from local law enforcement unless or until the complainant consents to the Academy engaging with law enforcement. However, if the information in a report, complaint, or formal complaint creates an articulable and significant threat to individual or campus safety, Taylor Andrews Academy may engage law enforcement as permitted or required by applicable law.

To determine whether the information in a report, complaint, or formal complaint creates an articulable and significant threat, the Academy will consider, if the information is known to the institution, at least the following factors:

- Whether the circumstances of the covered allegation suggest an increased risk that the respondent will commit an additional act of sexual misconduct, sexual harassment, or other violence;
- Whether the respondent has a history of arrests that indicates a history of sexual misconduct, sexual harassment, or other violence;
- Whether records from the respondent's previous institution of higher education indicate that the respondent has a history of sexual misconduct, sexual harassment, or other violence;
- Whether the respondent is alleged to have threatened further sexual misconduct, sexual harassment, or other violence against the complainant or another individual;
- Whether the act of sexual misconduct or sexual harassment was committed by more than one respondent;
- Whether the circumstances of the alleged incident suggest there is an increased risk of future acts of sexual misconduct and/or sexual harassment under similar circumstances;
- Whether the act of sexual misconduct or sexual harassment was perpetrated with a weapon; and
- The age of the alleged victim.

Where a report involves suspected abuse of a child (an individual under the age of 18 at the time of the incident(s) as reported), all Taylor Andrews employees and volunteers are required to notify local law enforcement. All other members of the Academy community are strongly encouraged to report suspected child abuse to law enforcement.

Prior to engaging with a law enforcement agency, Taylor Andrews Academy will provide the complainant with the following information:

- The Academy's intent to engage with a law enforcement agency;
- The law enforcement agency with which the Academy intends to engage; and
- The reason the institution made the determination.

While engaging with law enforcement under these specific circumstances, the Academy will maintain the confidentiality of the complainant and disclose the minimum information required to appropriately address the threat.²

² The Academy will comply with applicable state mandatory reporting and confidentiality laws when determining whether and how to engage law enforcement.

B. PRELIMINARY ASSESSMENT

Upon receiving a report, complaint or formal complaint of an alleged incident of sex discrimination, sexual misconduct, or sexual harassment, the Title IX Coordinator will conduct a preliminary assessment to determine Taylor Andrews response using the following threshold criteria:

First, the Title IX Coordinator must determine if:

1. The incident occurred in Taylor Andrews Academy's education program or activity, as defined in [Section IV](#) of this policy; and
2. If the incident occurred in the United States.

If the alleged incident did not occur in an Academy education program or activity and the United States, the alleged incident is not covered under this policy. Complainants may still request supportive measures that do not meet the Academy's jurisdictional requirements.

If the alleged conduct occurred in a Taylor Andrews Academy education program or activity and in the United States, the Title IX Coordinator will then assess the alleged incident to determine the appropriate grievance process or complaint procedure.

The incident will be considered "sexual harassment" under Title IX, as defined in [Section III.D.iii](#) of this policy if the alleged conduct was either:

- Quid pro quo harassment (involving a Taylor Andrews employee);
- Sexual Assault, Dating Violence, Domestic Violence, or Stalking; or
- Unwelcome conduct that is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to Taylor Andrews Academy program or activity.

If the alleged incident may constitute sexual harassment under Title IX, as defined above, the complainant may initiate the [Title IX Formal Complaint and Grievance Process under Title IX](#).

If the alleged incident does not constitute sexual harassment under Title IX, then the Title IX Coordinator will assess the alleged incident to determine if it would be considered sex discrimination or sexual misconduct and respond accordingly:

1. Non-sexual harassment sex discrimination: Incidents of sex discrimination will be addressed using the Student Catalog (for incidents involving students) or the Employee Manual (for incidents involving employees).
2. Sexual Misconduct: Incidents of sexual misconduct will be addressed using the grievance procedures outlined in the Student Catalog (for incidents involving students or complaint procedures outlined in the Employee Manual (for incidents involving employees).
3. Non-actionable: Complainant may request, and Taylor Andrews may provide, supportive measures as appropriate

After conducting the assessment, the Title IX Coordinator will send a written notification of their preliminary assessment to the complainant.

The complainant may appeal the Title IX Coordinator’s preliminary assessment of the alleged incident to the Taylor Andrews Academy Corporate Director within five (5) days of receiving written notice from the Title IX Coordinator. If a formal complaint or complaint is filed, the respondent may appeal the Title IX Coordinator’s preliminary assessment to the Taylor Andrews Academy Corporate Director within five (5) days of receiving the notice of the complaint.

Regardless of whether an alleged incident is determined to constitute sexual harassment, sexual misconduct, or sex discrimination, and regardless of whether or not the complainant files a formal complaint under Title IX or a complaint under Taylor Andrews Student Catalog or Employee Manual, Taylor Andrews will provide supportive measures to the complainant. For more information about Supportive Measures, see [Section III.D.](#)

C. TITLE IX FORMAL COMPLAINT & GRIEVANCE PROCESS

i. Filing a Formal Complaint

Filing of a formal complaint of an alleged incident of sexual harassment under Title IX initiates the investigation and grievance process outlined in [Section V.C.](#) of this policy.

Who Can File a Formal Complaint?

The complainant or Title IX Coordinator must file the formal complaint.

Third parties cannot file formal complaints. Additionally, fundamental fairness and due process principles require that a respondent be informed of the details of the allegations made against them, to the extent that the details are known, to provide an adequate opportunity for the respondent to respond. Therefore, a complainant cannot remain anonymous and file a formal complaint. However, the Title IX Coordinator will keep confidential the identities of the complainant and respondent (and witnesses) from anyone not involved in the grievance process, except as permitted by FERPA, required by law, or as necessary to conduct the grievance process. For more information about confidentiality, see [Section III.D. Privacy, Confidentiality & Privilege.](#)

While a formal complaint requires the complainant’s identity, Title IX does not require a complainant to identify the respondent in a formal complaint. If a complainant does not know the respondent’s identity and file a formal complaint, Taylor Andrews is still required to investigate the formal complaint because an investigation may reveal the respondent’s identity. If the respondent’s identity becomes known, Taylor Andrews will send both parties the written notice of allegations (see [Section V.D.ii.](#)), follow the grievance process outlined in this policy, and may impose disciplinary sanctions against the respondent at the conclusion of the grievance process. However, if a respondent’s identity remains unknown, Taylor Andrews will be unable to comply with the required grievance process outlined in this policy and therefore unable to impose disciplinary sanctions against the respondent.

Under certain circumstances, the Title IX Coordinator may determine that an investigation is necessary, even when the identity of the complainant is unknown or the complainant does not want an investigation. In this case, the Title IX Coordinator may choose to sign a formal complaint and initiate the grievance process. When this occurs, the Title IX Coordinator is not a complainant or otherwise considered a party included in the grievance process. The alleged victim will remain the complainant and be treated as a

party in the grievance process. However, the complainant is not required to participate in the grievance process.

How to File a Formal Complaint

Individuals may download and complete Taylor Andrews's [Formal Complaint](#) form, which may be submitted in person, by mail, or by email to the Title IX Coordinator, whose contact information is listed in [Section II](#) of this policy. Formal complaints cannot be filed by telephone.

What is a Formal Complaint?

A formal complaint is a document or electronic submission (such as an email or form) that contains the complainant's physical or digital signature or otherwise indicates that the complainant is the person filing the complaint.

A formal complaint alleges sexual harassment against a respondent and requests that Taylor Andrews Academy investigate the allegation of sexual harassment. Therefore, submitting a formal complaint indicates an intentional decision on behalf of the complainant to initiate the Title IX grievance process.

When Can A Formal Complaint be Filed?

There is no time limit on a complainant's decision to file a formal complaint, so the decision to sign and file a formal complaint does not need to occur in the immediate aftermath of an alleged incident or reporting an incident.

However, at the time of filing a formal complaint, the complainant must be participating in or attempting to participate in a Taylor Andrews Academy education program or activity.

This requirement does not exclude a complainant who has graduated or is on a leave of absence if the complainant intends to apply to a different Taylor Andrews program, intends to remain involved in Taylor Andrews alumni programs and activities, or may intend to re-apply after a leave of absence.

Dismissal of a Formal Complaint

The investigation of the conduct alleged in the formal complaint may uncover new information about the incident. In accordance with Title IX, Taylor Andrews must dismiss the formal complaint of sexual harassment under Title IX if at any point during the investigation or hearing process it is determined that the conduct alleged in the formal complaint:

1. Would not constitute sexual harassment as defined under Title IX (defined in [Section III.C.iii](#) of this policy), even if proven;
2. Did not occur in the Taylor Andrews Academy education program or activity; or
3. Did not occur against a person in the United States.

Such dismissal does not indicate that a Taylor Andrews Academy policy violation did not occur. Therefore, Taylor Andrews may choose to address such incidents within the Academy's jurisdiction using the student grievance procedures outlined in the [Taylor Andrews Academy Student Catalog](#) (for incident involving students) or complaint procedures outlined in the Employee Manual (for incidents involving students).

Taylor Andrews Academy reserves the right to dismiss a formal complaint or allegations therein, if at any time during the investigation or hearing:

1. A complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein;
2. The respondent is no longer enrolled or employed by Taylor Andrews Academy;
3. Specific circumstances prevent Taylor Andrews Academy from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.

Upon dismissal of a formal complaint (either as required or not), Taylor Andrews will promptly send a written notice of dismissal and reason(s) therefor simultaneously to both parties.

The complainant and respondent have the right to appeal the Taylor Andrews' dismissal of the formal complaint or any allegations therein on several bases. For more information about the bases of appeal, see [Section V.C.ii.](#)

Consolidation of Formal Complaints

Taylor Andrews Academy may consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, where the allegations of sexual harassment arise out of the same facts or circumstances. Where a grievance process involves more than one complainant or more than one respondent, references in this policy to the singular "party," "complainant," or "respondent" include the plural, as applicable.

ii. Grievance Process for Formal Complaints of Sexual Harassment

GENERAL INFORMATION

The following grievance process complies with 34 CFR § 106.45 of Title IX. All processes, provisions, and rules stated in this policy apply equally to both parties—complainants and respondents.

Taylor Andrews Academy will treat complainants equitably by providing the complainant and respondent with supportive measures throughout the grievance process, following the grievance process before imposing any disciplinary sanctions (or other actions that are not supportive measures) against a respondent, and providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against a respondent.

Taylor Andrews Academy grievance process relies upon an objective evaluation of all relevant evidence—including both inculpatory and exculpatory evidence. Taylor Andrews applies the preponderance of the evidence standard which means that it is more likely than not that the alleged conduct or policy violation occurred. Taylor Andrews applies the same standard of evidence for formal complaints against students and employees, including faculty, and applies the same standard of evidence to all formal complaints of sexual harassment.

Determination of a party's credibility will not be based on a person's status as a complainant, respondent, or witness. Taylor Andrews presumes that the respondent is not responsible for the alleged conduct until a determination regarding responsibility at the conclusion of the grievance process.

Individuals may decline to participate in any proceedings.

All Taylor Andrews Academy employees involved in the Title IX investigation and grievance process have received the appropriate training to participate in the Title IX grievance process, and training materials have been made publicly available on the Taylor Andrews Academy [website](#). Training topics include, but are not limited to, the definition of sexual harassment under Title IX, steps to conducting a Title IX investigation and grievance process, and how to serve impartially, including by avoiding prejudgment of facts, conflicts of interest, and bias.

If a complainant or respondent believes Taylor Andrews Academy's treatment of a formal complaint of sexual harassment may constitute discrimination on the basis of sex under Title IX, they may file a report of sex discrimination with the Title IX Coordinator.

CONFLICTS OF INTEREST

Taylor Andrews Academy employees participating in the Title IX grievance process including the Title IX Coordinator, investigators, decision-makers, and informal resolution facilitators as well as external parties employed by Taylor Andrews to complete Title IX investigation and adjudication functions (hearings, appeals, and informal resolution options) are prohibited from having a conflict of interest or bias for or against complainants or respondents generally or as an individual complainant or respondent.

In an effort to avoid potential conflicts of interest, Taylor Andrews may provide the names and titles of internal and external Title IX investigators and adjudicators to the parties at the initiation of the

investigation, informal resolution process, or hearing. Such information will be provided no less than five (5) days before any meeting or hearing between the party and the investigator or adjudicator. The complainant or respondent may request the removal of an investigator or adjudicator on the grounds of personal bias or other conflicts of interest by submitting a written statement to the Title IX Coordinator setting forth the basis for the request no more than three (3) days after receiving notice of the identity of the individual involved in the Title IX grievance process. The Title IX Coordinator will review the written statement and make a determination if there is a conflict of interest. Appropriate steps will be taken to ensure that no conflict of interest exists on the part of anyone involved in the Title IX investigation, hearing, appeals, or informal resolution processes. If a conflict of interest exists, another individual will be assigned to the appropriate role. If a conflict of interest exists between the complainant or respondent and the Title IX Coordinator, reports should be directed to the Taylor Andrews Academy Corporate Director.

TIMELINES FOR THE GRIEVANCE PROCESS

Taylor Andrews Academy aims to complete the Title IX grievance process, including appeals and informal resolution processes, in a reasonably prompt time frame. Generally, Taylor Andrews will conclude the grievance process within ninety (90) days.

Taylor Andrews Academy reserves the right to allow for the temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of the party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.

RIGHT TO AN ADVISOR

All parties are entitled to an advisor of their choosing to assist them throughout the Title IX grievance process. The advisor may be a friend, counselor, faculty member, family member, attorney or any other individual a party chooses to advise them who is eligible and available to serve during the grievance process. Any person who may be called as a witness may not serve as an advisor.

Parties are entitled to be accompanied by their advisor in all meetings, interviews, hearings, and appeals at which the party is entitled to be present during the grievance process. Parties are required to have an advisor present at the live hearing. If a party does not have an advisor available to be present at the live hearing, Taylor Andrews Academy will provide the party with an advisor of Taylor Andrews' choice in the Institution's sole discretion, who may or may not be an attorney.

Taylor Andrews Academy cannot guarantee equal advisory rights. Consequently, if one party selects an advisor who is an attorney, but the other party does not or cannot afford an attorney, Taylor Andrews is not obligated to provide an attorney or other advisor, except at the hearing. Taylor Andrews is not required to provide an attorney as an advisor at the hearing.

All advisors are subject to the same Taylor Andrews Academy rules whether they are attorneys or not. Advisors may not present on behalf of their advisee in a meeting or interview. Additionally, advisors may not actively participate in the investigation or informal process. Advisors must conduct all

cross-examination of the other party and all witnesses in a live hearing even in the event that the advisee is not present at the live hearing.

Advisors should request or wait for a break in the interview, hearing, or meeting if they wish to interact with Taylor Andrews Academy Title IX personnel. Advisors may confer quietly with their advisees as necessary, as long as they do not disrupt the process. For longer or more involved discussions, the parties and their advisors should ask for breaks or step out of meetings to allow for private conversation. Advisors may be given an opportunity to meet in advance of any interview or hearing with the Taylor Andrews Academy Title IX personnel during the grievance process.

Any advisor who fails to follow the guidelines established by Taylor Andrews Academy in the grievance process will be provided an oral warning. If the advisor continues to disrupt or otherwise fails to follow those guidelines, the advisor will be asked to leave the proceeding. If an advisor is asked to leave, the meeting, interview, hearing or other proceeding will be suspended until the party advisor is reinstated; the party secures another advisor to accompany them at that meeting, interview, hearing or proceeding; or Taylor Andrews provides the party with another advisor for the hearing.

If an advisor is asked to leave a proceeding, the Title IX Coordinator will determine whether the advisor may be reinstated or must be replaced by a different advisor for the remainder of the grievance process. The parties must advise the Title IX Coordinator of the identity of their advisor at least two (2) business days before the date of their first meeting with Title IX Coordinator and scheduled hearing. The parties must provide subsequent timely notice to the Title IX Coordinator if they change advisors at any time. No audio or video recording of any kind other than as required by institutional procedure is permitted during meetings with Academy officials.

The grievance process for incidents of sexual harassment under Title IX is as follows:

a) Written Notice

Upon receipt of a formal complaint, Taylor Andrews Academy will provide a written notice of allegations to both parties, if known, simultaneously. The notice includes the following information:

- A. Notice of the allegation of sexual harassment, as defined in [Section III.C.iii.](#) of this policy, containing sufficient details known at the time, including:
 - a. Identities of the parties involved in the incident (if known);
 - b. Conduct allegedly constituting a policy violation;
 - c. Date and location of the alleged incident (if known).
- B. Sufficient time for each party to prepare a response before any initial interview.
- C. Explanation of each party's right to an advisor of their choice, who may be, but is not required to be, an attorney. The advisor may participate during the grievance process, subject to limitations established by Taylor Andrews Academy.
- D. Explanation of each party's right to inspect and review all evidence gathered during the investigation.

- E. Reference to the sections of this policy which prohibit knowingly making false statements or knowingly submitting false information during the grievance process.
- F. Statement that the respondent is presumed not to be responsible for the alleged conduct unless and until a determination of responsibility is final.
- G. Statement that a determination of responsibility will be made at the conclusion of the grievance process.
- H. Provide a copy of Taylor Andrews Academy's Policy on Sexual Misconduct & Sexual Harassment, which outlines the grievance process utilized to address alleged incidents of sexual harassment under Title IX.
- I. List of on-campus and off-campus support resources for complainants.

If, during the course of the investigation, Taylor Andrews decides to investigate allegations about the complainant or respondent that are not included in the initial notice provided to the parties, Taylor Andrews will provide written notice of the additional allegations to the parties whose identities are known.

b) Investigation of Formal Complaints

Taylor Andrews Academy is obligated to investigate formal complaints of sexual harassment. Generally, Taylor Andrews will complete the Title IX investigation within thirty (30) days. Taylor Andrews will inform the parties of the name and title of the assigned investigator in the written notices of investigative interview issued to the parties.

Role of Taylor Andrews Academy & the Parties

During the investigation, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on Taylor Andrews Academy and not on the parties.

Both parties are provided with an equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence during the grievance process. Taylor Andrews will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.

Taylor Andrews Academy is prohibited from accessing, considering, disclosing, or otherwise using a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless Taylor Andrews obtains the party's voluntary, written consent to do so for the grievance process outlined in this policy.

Participation of the Parties in the Investigation Process

Taylor Andrews Academy will provide written notice to a party who is invited and expected to participate in any investigative interviews, hearings, or other meetings. This written notice will include the date, time, location, names of participants, and purpose of the meeting and be provided not less than five (5) days prior to the meeting, providing the party with sufficient time to prepare.

Parties may not attend interviews of any other party or witness or any meeting or hearing related to the investigation, unless invited and expected to participate by Taylor Andrews.

Prior to completion of the investigative report at the conclusion of the investigation, all parties have the opportunity to have not more than one other person present during any grievance proceeding, including the opportunity to be accompanied to any grievance-related meeting or proceeding by an advisor of their choice, who may be an attorney. A party may only be accompanied by their advisor during the live hearing. Taylor Andrews does not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding, including investigative interviews. However, Taylor Andrews reserves the right to establish restrictions regarding the extent to which the advisor may participate in the proceedings, which will apply equally to both parties.

All parties and their advisors will be given an equal opportunity to inspect and review all evidence gathered during the investigation that is directly related to the allegations raised in the formal complaint, including evidence upon which Taylor Andrews does not intend to rely in reaching a determination regarding responsibility as well as inculpatory and exculpatory evidence, regardless of the source. The evidence subject to inspection and review will be provided either in electronic format or hard copy to the parties and their advisors, if any. The parties will have ten (10) days to submit a written response regarding the investigation evidence. The investigator will consider the parties' responses prior to completion of the investigative report.

Taylor Andrews Academy may redact confidential portions of the investigation file or require the parties and their advisors to execute nondisclosure agreements to preserve the confidentiality of confidential information prior to release of the investigation file to the parties and their advisors.

All of the evidence which was provided to the parties for inspection and review will be made available at any hearing related to the formal complaint to provide each party the equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.

The parties may submit any additional evidence prior to the investigator finalizing the investigative report with a copy provided to the other party and their advisor.

Investigative Report

The Title IX investigator will create an investigative report that fairly summarizes relevant evidence.

Upon completion, investigator will send the investigative report to each party and the party's advisor, if any, at least ten (10) days prior to a scheduled hearing, in electronic format or hard copy. Upon review, the parties may submit a written response to the decision-maker not less than five (5) days prior to the scheduled hearing, with a copy to the other party and their advisor. The other party may submit a written

reply to the written response at least two (2) days prior to the scheduled hearing, with a copy to the other party and their advisor.

The investigator may include recommended findings or conclusions in the investigative report, but the decision-maker is under an independent obligation to objectively evaluate relevant evidence in making a determination.

c) Hearing Process

Live hearings are a mandatory part of the Title IX grievance process. A single hearing officer or panel of hearing officers will act as the decision-maker(s) at the Taylor Andrews Academy Title IX hearings and must not be the same person as the Title IX Coordinator or investigator. Taylor Andrews will provide specific procedural rules for the live hearing to the parties and their advisors at least ten (10) days prior to the scheduled hearing.

Live hearings may be conducted with all parties physically present in the same geographic location. In this instance, at the request of either party, Taylor Andrews will arrange for the live hearing to occur with the parties located in separate rooms with technology enabling the decision-maker(s) and the parties to simultaneously see and hear the party or witness answering the questions.

Taylor Andrews Academy also reserves the right to require or permit any or all parties, witnesses and other participants to appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear each other.

Taylor Andrews Academy will create an audio recording, audiovisual recording, or transcript of any live hearing and make it available to the parties for inspection and review.

Both parties have the right to present relevant fact and expert witnesses as well as inculpatory and exculpatory evidence at the hearing. A written summary of any evidence not included in the investigation file, copies of the documents they intend to submit as evidence, as well as a list of witnesses they intend to call during the formal hearing should be provided to the decision-maker and the other party and their advisor no less than five (5) days prior to the hearing.

Cross-Examination

During the live hearing, involved parties are encouraged to give opening and closing statements, but the parties' advisors may present the opening and closing statements, if necessary.

During the live hearing, the decision-maker will permit each party's advisor to ask the other party and any witnesses any relevant questions and follow-up questions, including questions which challenge credibility.

Cross-examination at the live hearing must be conducted directly, orally, and in real time by the party's advisor, and cross-examination may never be conducted by a party personally.

Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s)

must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless: 1.) such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant; or 2.) if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.

If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) may consider otherwise relevant statements of that party or witness in reaching a determination regarding responsibility. The decision-maker(s) may not draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from a live hearing or refusal to answer cross-examination or other questions.

Hearings & Advisors

Apart from the advisor's role in cross-examination, the Taylor Andrews Academy reserves the right to restrict the extent to which advisors may participate in the proceedings.

If a party does not have an advisor present at the live hearing, Taylor Andrews will provide, without fee or charge to that party, an advisor of Taylor Andrews' choice to conduct cross-examination on behalf of that party. The advisor may be, but is not required to be, an attorney.

Taylor Andrews Academy will include details regarding the role of the advisors in the hearing procedural rules provided to the parties at least five (5) days prior to the scheduled hearing.

d) Determination Regarding Responsibility

Following the live hearing, the decision-maker(s) will issue a written determination. To reach the determination, the decision-maker(s) will apply the preponderance of the evidence standard of evidence, as defined on in [Section IV](#) of this policy.

The decision-maker(s) will issue the written determination to the parties simultaneously no more than ten (10) days after the conclusion of the live hearing. Copies will be sent to the parties and their advisors by email, certified mail, or overnight delivery service such as Federal Express, with receipt of acknowledgement.

The written determination will include the following information:

- A. Identification of the allegations potentially constituting sexual harassment, as defined in [Section III.C.iii](#) of this policy;
- B. A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
- C. Findings of fact supporting the determination;
- D. Conclusions regarding the application of Taylor Andrews Academy's Student Catalog and/or Employee Manual and/or this policy to the facts;

- E. A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions to be imposed on the respondent, and whether remedies designed to restore or preserve equal access to Taylor Andrews Academy education program or activity will be provided by Taylor Andrews to the complainant; and
- F. Taylor Andrews Academy's procedures and permissible bases for the complainant and respondent to appeal.

The determination is final either:

- 1. On the date Taylor Andrews Academy provides the parties with the written determination of an appeal, if an appeal was filed; or
- 2. The date for filing an appeal expires without an appeal having been filed.

e) Appeals

Either complainant or respondent may file a written notice of appeal of a determination of dismissal of a formal complaint within five (5) days after receiving the written determination or notice of dismissal. The notice of appeal must be delivered to the Title IX Coordinator within such five (5) day period by email, personal delivery, certified mail or overnight delivery service.

A party may appeal from a) determination regarding responsibility, and b) Taylor Andrews' dismissal of a formal complaint or any allegations therein, on the following bases:

- A. Procedural irregularity that affected the outcome of the process;
- B. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the process; and
- C. The Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the process.

In the event that a party files an appeal, generally the appeal decision-maker(s) will be the Corporate Director. The appeal decision-maker will be free of bias as well as conflict of interest and will not be the Title IX Coordinator, investigator involved in the investigation, or decision-maker who reached the determination regarding responsibility or dismissal. The appeal decision-maker will have received required training under Title IX.

Taylor Andrews Academy will notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties, including a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome.

The appealing party must submit a statement to the appeal decision-maker in support of the appeal within five (5) days of filing the notice of appeal with a copy to the other party and their advisor. Although the other party is not obligated to respond to the appealing party, should the other party wish to respond, the other party must submit a written response to the statement filed by the appealing party to the appeal

decision-maker within five (5) days of receipt of the appealing party's statement with a copy to the other party and their advisor.

No oral arguments will be held on the appeal unless so directed by the appeal decision-maker, in which case both parties' advisors will be given an equal opportunity to present oral arguments.

The appeal decision-maker will issue a written decision simultaneously to both parties, describing the result and the rationale of the decision generally within ten (10) days of receiving the final written statements from the parties.

f) Informal Resolutions

At any time following the filing of a formal complaint and prior to reaching a determination regarding responsibility, Taylor Andrews Academy offers complainants and respondents informal resolution options such as mediation, restorative justice, or other forms of alternative dispute resolution, which do not involve or require a full investigator and adjudication (hearing process).

In order for Taylor Andrews Academy to proceed with informal resolution options, Taylor Andrews will:

- A. Provide the parties with a written notice disclosing the following:
 - i. The allegations;
 - ii. The requirements of the informal resolution process, including the circumstances under which the informal resolution process would preclude the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and
 - iii. Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;
- B. Obtain voluntary, written consent from the parties to the informal resolution process

Taylor Andrews Academy will provide the parties with the specific guidelines corresponding to the various informal resolution options prior to the parties signing a written consent to the informal resolution process.

Taylor Andrews Academy is prohibited from offering informal resolution options in cases which involve a Taylor Andrews employee's sexual harassment of a student.

Taylor Andrews Academy is prohibited from requiring as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment as outlined in this policy. Additionally, Taylor Andrews cannot require the parties to participate in an informal resolution process and cannot offer an informal resolution process unless a formal complaint has been filed.

g) Recordkeeping

Taylor Andrews will maintain for a period of seven years the records regarding the following:

- A. Each sexual harassment investigation, including any determination regarding responsibility, the audio recording, audiovisual recording, or transcript of the hearing, any disciplinary sanctions imposed on the respondent, as well as any remedies provided to the complainant designed to restore or preserve equal access to the Taylor Andrews Academy's education program or activity;
- B. Any appeal and the result therefrom;
- C. Any informal resolution and the result therefrom; and
- D. All materials used to train Title IX Coordinators, investigators, decision-makers, and informal resolution facilitators. Taylor Andrews Academy will maintain these materials for seven years and make them publicly available on its website as required by the applicable 2020 Title IX regulations.[website](#)

For each response to a report or formal complaint of sexual harassment, Taylor Andrews will create and maintain for a period of seven years, records of any actions, including any supportive measures taken. In each instance, Taylor Andrews will document the basis for its conclusion that its response was not deliberately indifferent and document that it has taken measures designed to restore or preserve equal access to Taylor Andrews Academy's education program or activity. If Taylor Andrews does not provide a complainant with supportive measures, then Taylor Andrews will document the reasons why such a response was not clearly unreasonable in light of the circumstances.

Utah Women's Shelters: <https://www.womenshelters.org/sta/utah>

Local Domestic Violence Shelter Services

Provo
Center for Women & Children in Crisis
Main: (801) 374-9351
Crisis: (435) 377-5500
Fax: (810) 377-7128

West Jordan
South Valley Sanctuary
Salt Lake County
Main/24hr: (801) 255-1095
Fax: (810) 255-7319

Utah Rape & Sexual Assault Resources:
<https://www.health.utah.gov/vipp/topics/rape-sexual-assault/resources.html>

Utah Domestic Violence Link Line: 1-800-897-LINK (5465)

Rape & Sexual Assault Crisis Line: 1-888-421-1100
Michigan VOICES4 Sexual Assault, Domestic Violence & Human Trafficking Hotline
Call or Text: 1-855-864-2374 (24/7/365)
Michigan.gov/VOICES4

Rape Abuse and Incest National Network (RAINN)
1-800-656-HOPE
www.rainn.org

The RAINN hotline offers free, confidential counseling and support 24 hours a day, from anywhere in the country.

National Resource Center on Domestic Violence Hotline (24 hours)
800-799-SAFE

National Domestic Violence Hotline: 1-800-799-SAFE

National Domestic Violence Hotline Spanish: 1-800-942-6908

Local Hospitals

Provo, Utah
Utah Valley Hospital
Address: 1034 N 500 W, Provo, UT 84604
Phone: (801) 357-7850

West Jordan
Jordan Valley Medical Center
Address: 3580 W 9000 S, West Jordan, UT 84088
Phone: (801) 561-8888

Taylor Andrews Academy

Sex Discrimination, Sexual Misconduct & Sexual Harassment Incident Report

If this is an emergency, call 911.

Taylor Andrews Academy encourages individuals with knowledge or concerns of an incident of sex discrimination, sexual misconduct, or sexual harassment to report the incident to our Title IX Coordinator.

In accordance with the [Taylor Andrews Academy Sexual Misconduct & Sexual Harassment Policy](#), any person may report an incident(s) of sex discrimination, sexual misconduct, or sexual harassment to the Title IX Coordinator. The reporting party may be the person directly affected by the alleged incident or a third party. Detailed information about filing this report can be found in the section titled “[What Do I Need to Know About Filing an Incident Report](#)” in this document.

The contact information for Taylor Andrews Academy’s Title IX Coordinator is as follows:

Jami Gierloff

Corporate Administrative Director & Title IX Coordinator
9052 S. 1510 W.
West Jordan, UT 84088
Phone: 801-748-2288
Email: jami@taylorandrew.com

Title IX Deputy Coordinators include:

Tiffany Watson

West Jordan Academy
Director
tiffany@taylorandrew.com
9052 S. 1510 W.
West Jordan, UT 84088

Brooklynn Witney

Provo Academy Director
brooklynn@taylorandrew.com
2035 N 550 W
Provo, UT 84604

Lauren Moser

Detroit Academy Director
lauren@hairlabdetroitbarberschool.com

In this form you will see the following terms:

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 or sexual misconduct.

Once you have completed this report, please submit via email, mail, or deliver to the office of the Title IX Coordinator.

Thank you for reaching out with this important information. You can find additional resources about the Academy’s policies and protocols regarding incidents of sex discrimination, sexual misconduct, and sexual harassment on our [website](#).

REPORTING PARTY & INCIDENT INFORMATION

Please provide your contact information and general information about the incident(s).

Your Name:

Academy ID #:

Email Address:

Phone Number:

Nature of Report:

- ☐ Report against Taylor Andrews Academy employee
- ☐ Report against Taylor Andrews Academy Student
- ☐ Report against Taylor Andrews Academy Community Member
- ☐ Report against Non-Taylor Andrews Academy Community Member
- ☐ Unknown

Date of Incident:

Time of Incident:

Location of Incident:

To your knowledge has this incident
been reported to the local Police
Department?

☐ Yes ☐ No ☐ Do Not Know

INVOLVED PARTIES

Please complete the following information to the best of your knowledge.

Upon receipt of this incident report, the Title IX Coordinator will contact the complainant (if identified) to offer supportive measures, provide information about additional resources, and explain how to file a formal complaint.

If you are the reporting party and complainant, you do not need to complete the fields already completed in the “Reporting Party & Incident Information” Section.

COMPLAINANT INFORMATION

Name:

Academy ID #:

Email Address:

Phone Number:

Status at Taylor
Andrews Academy:

☐ Student ☐ Faculty Member ☐ Staff Member

☐ Non-Community Member ☐ Other (please specify) _____

Gender:

☐ Male ☐ Female ☐ Gender Non-Conforming

☐ Organization ☐ Other (specify if desired) _____

RESPONDENT INFORMATION

Name:

Academy ID #:

Email Address:

Phone Number:

☐ Student ☐ Faculty Member ☐ Staff Member

☐ Non-Community Member ☐ Other (please specify) _____

☐ Male ☐ Female ☐ Gender Non-Conforming

☐ Organization ☐ Other (specify if desired) _____

Please describe the incident. Include all relevant details and include the names and descriptions of the involved parties (complainant, respondent, and witnesses), if possible. If you need more space to describe the incident, you may attach an additional document to this report. *(required)*

[illegible]

WITNESS INFORMATION

If known, please provide the name and contact information of potential witnesses. Additional space for witness information is provided on the last page of this document.

Name:

Academy ID #:

Email Address:

Phone Number:

Status at Taylor
Andrews Academy:

☐ Student ☐ Faculty Member ☐ Staff Member

☐ Non-Community Member ☐ Other (please specify) _____

Gender:

☐ Male ☐ Female ☐ Gender Non-Conforming

☐ Organization ☐ Other (specify if desired) _____

ADDITIONAL INFORMATION

Please provide any additional information that you would like the Title IX Coordinator to know such as your reason for reporting this incident, immediate security concerns, or questions about next steps.

RELEVANT DOCUMENTS OR PHOTOS

Please attach to this report any documents or photos that may help the Title IX Coordinator better understand the incident.

WHAT DO I NEED TO KNOW ABOUT FILING AN INCIDENT REPORT?

Taylor Andrews Academy of Hair Design is committed to the principles of equal opportunity and seeks to establish and maintain an environment which ensures equal access to education for all Taylor Andrews Academy community members including students, applicants for admission, employees, applicants for employment, guests, and visitors. To foster this environment, Taylor Andrews encourages individuals with knowledge or concerns of an incident of sex discrimination, sexual misconduct, or sexual harassment to report the incident to our Title IX Coordinator.

In accordance with the [Taylor Andrews Academy Sexual Misconduct & Sexual Harassment Policy](#), any person may report an incident(s) of sex discrimination, sexual misconduct, or sexual harassment to the Title IX Coordinator. Forms of sexual harassment include sexual assault, dating violence, domestic violence, and stalking. The reporting party may be the person directly affected by the alleged incident (referred to as “complainant”) or a third party.

For more information about prohibited forms of conduct at the Academy, supportive measures, and Taylor Andrews Academy’s response to incidents, refer to the [Sexual Misconduct & Sexual Harassment Policy](#). You may find additional resources on Taylor Andrews’s [website](#).

Reports of sex discrimination, sexual misconduct, and sexual harassment may be written or verbal and may be made at any time (including non-business hours) in person, or by using the telephone number or email address, or by mail to the office address of the Title IX Coordinator. Individuals may also submit this Incident Report by email, mail, or in person directly to the Title IX Coordinator.

The contact information for Taylor Andrews Academy’s Title IX Coordinator is as follows:

Jami Gierloff

Corporate Administrative Director & Title IX Coordinator
9052 S. 1510 W.
West Jordan, UT 84088
Phone: 801-748-2288
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Tiffany Watson

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Brooklynn Witney

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brooklynn@taylorandrew.com
2035 N 550 W
Provo, UT 84604

Lauren Moser

Detroit Academy Director
lauren@hairlabdetroitbarberschool.com

WHAT HAPPENS AFTER I COMPLETE THE INCIDENT REPORT?

Once you have completed this report, please email, mail, or deliver to the Title IX Coordinator.

After submitting this incident report form, the Title IX Coordinator will contact the complainant to discuss supportive measures and explain how to file a formal complaint and/or initiate the complaint procedures, if applicable and desired by the complainant. Supportive measures will be available to complainants regardless of whether or not they wish to file a formal complaint to initiate a grievance process or a complaint to initiate other procedures at the Academy.

See the [Sexual Misconduct & Sexual Harassment Policy](#) for more information about Taylor Andrews Academy's complaint procedures as well as the Title IX formal complaint and grievance process.

Reports submitted anonymously will be reviewed by the Title IX Coordinator and included in campus safety assessments. If a report is submitted by an unnamed third-party and contains the identity of the complainant, the Title IX Coordinator will contact the complainant to inquire about the incident, offer supportive measures, and explain the process for filing a formal complaint. If a report does not contain the identity of the complainant, the Academy will be unable to contact the complainant and offer supportive measures. While the Title IX Coordinator will keep confidential the identity of the complainant (unless disclosing the complainant's identity is necessary to provide supportive measures such as no-contact orders), the Title IX Coordinator must know the identity of the complainant to offer supportive measures.

INCIDENT REPORT VERSUS FORMAL COMPLAINT

This Incident Report provides community members with the opportunity to notify the Title IX Coordinator of prohibited conduct. However, this report form is not a formal complaint and does not initiate the formal grievance process outlined in the [Sexual Misconduct & Sexual Harassment Policy](#), the grievance procedures outlined in the Student Catalog (for incidents involving students) or the complaint procedures outlined in the Employee Manual (for incidents involving employees). Individuals who wish to file a formal complaint under Title IX may complete a [Formal Complaint](#) or discuss this option when contacted by the Title IX Coordinator.

As this is not a formal complaint, generally the respondent will not be contacted without the consent of the complainant. However, should the Academy undertake an individualized safety and risk analysis and determine that the respondent poses an immediate threat to the physical health or safety of any student or other individual based on the allegations contained in this report, Taylor Andrews Academy may remove the party from campus.

The respondent may be contacted in the event that the complainant requests specific supportive measures (i.e. no-contact orders) and will be contacted if a formal grievance or complaint process is initiated.

Confidentiality: Taylor Andrews Academy will keep confidential the identity of any individual who reports sex discrimination, sexual misconduct, and/or sexual harassment. Taylor Andrews will also keep confidential the identity of any complainant (if not the reporting party), any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute or regulations, 20 U.S.C. 1232g and 34 CFR part 99, or required by law, or to carry out the purposes of 34 CFR part 106, including implementing supportive measures and the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

ADDITIONAL WITNESS INFORMATION

WITNESS TWO

Name:

Academy ID #:

Email Address:

Phone Number:

Status at Taylor
Andrews Academy:

☐ Student ☐ Faculty Member ☐ Staff Member

☐ Non-Community Member ☐ Other (please specify) _____

Gender:

☐ Male ☐ Female ☐ Gender Non-Conforming

☐ Organization ☐ Other (specify if desired) _____

WITNESS THREE

Name:

Academy ID #:

Email Address:

Phone Number:

Status at Taylor
Andrews Academy:

☐ Student ☐ Faculty Member ☐ Staff Member

☐ Non-Community Member ☐ Other (please specify) _____

Gender:

☐ Male ☐ Female ☐ Gender Non-Conforming

☐ Organization ☐ Other (specify if desired) _____

Taylor Andrews Academy

Formal Complaint of Sexual Harassment under Title IX

If this is an emergency, call 911.

Title IX is a federal law that prohibits discrimination on the basis of sex in education programs or activities receiving federal financial assistance. Sexual harassment is a form of sex discrimination, and Title IX defines sexual harassment as conduct on the basis of sex that constitutes one or more of the following three types of behavior:

1. Quid Pro Quo harassment
2. Severe, Pervasive, and Objectively Offensive Conduct that Denies a Party Equal Educational Access
3. Sexual Assault, Dating Violence, Domestic Violence, and Stalking

Under Title IX, Taylor Andrews Academy is obligated to investigate formal complaints of sexual harassment and will treat parties equally and equitably throughout the grievance process. For more information about the definitions of sexual harassment, filing a formal complaint, and the Title IX investigation and grievance process, refer to the [Taylor Andrews Academy Sexual Misconduct & Sexual Harassment Policy](#).

IMPORTANT: ONLY THE INDIVIDUAL WHO IS THE ALLEGED VICTIM OF CONDUCT THAT COULD CONSTITUTE SEXUAL HARASSMENT (“COMPLAINANT”) MAY FILE A FORMAL COMPLAINT.

Filing a formal complaint will initiate the Title IX grievance process, which requires notifying the respondent of the allegations and grievance process.

If you are a Complainant and would like to discuss Taylor Andrews’ policies and grievance procedures before filing a formal complaint, please complete the [Incident Report](#) rather than this form.

If you are a third-party reporter, you may report the incident using the [Incident Report](#) rather than this form.

If the Title IX Coordinator receives a formal complaint which does not meet the Title IX definition of sexual harassment, they will contact the complainant to discuss available options.

If you have questions about filing a formal complaint, we encourage you to contact a Title IX Coordinator.

Jami Gierloff

Corporate Administrative Director & Title IX Coordinator

9052 S. 1510 W.

West Jordan, UT 84088

Phone: 801-748-2288

Email: jami@taylorandrew.com

Title IX Deputy Coordinators include:

Tiffany Watson

West Jordan Academy

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9052 S. 1510 W.

West Jordan, UT 84088

Brooklynn Witney

Provo Academy Director

[brooklynn@taylorandrew.co](mailto:brooklynn@taylorandrew.com)

[m](mailto:brooklynn@taylorandrew.com)

2035 N 550 W

Provo, UT 84604

Lauren Moser

Detroit Academy Director

[lauren@hairlabdetroitbarbers](mailto:lauren@hairlabdetroitbarberschool.com)

[chool.com](mailto:lauren@hairlabdetroitbarberschool.com)

In this document, you will see various terms. The definitions of these terms are below:

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

Witness: An individual with first-hand knowledge of the alleged incident. This may include someone you told about the alleged incident after it occurred.

Once you have completed the formal complaint, please submit via email, mail, or deliver to the office of the Title IX Coordinator.

Thank you for filing a formal complaint of sexual harassment under Title IX. You can find additional resources about Taylor Andrews Academy's policies and protocols regarding incidents of sex discrimination, sexual misconduct, and sexual harassment on our [website](#).

TITLE IX SEXUAL HARASSMENT FORMAL COMPLAINT

NOTE: The fields with an asterisk (*) indicate information that must be completed to file a formal complaint under Title IX. If you are unable to complete the required fields or wish to remain anonymous, please complete an [Incident Report](#) rather than this formal complaint.

COMPLAINANT INFORMATION

*Your Full Name:

*Academy ID #:

*Email Address:

*Phone Number:

Nature of Complaint:

- ☐ Complaint against Taylor Andrews Academy employee
- ☐ Complaint against Taylor Andrews Academy Student
- ☐ Complaint against Taylor Andrews Academy Community Member
- ☐ Complaint against Non-Taylor Andrews Academy Community Member
- ☐ Unknown

*Date of Incident:

*Approximate Time of
Incident:

*Location of Incident
(be as specific as
possible):

Gender:

☐ Male ☐ Female ☐ Gender Non-Conforming

☐ Organization ☐ Other (specify if desired) _____

DOB

(YYYY-MM-DD):

Address:

INVOLVED PARTIES

Please complete the following information to the best of your knowledge, including the name of the Respondent (if known) and the names of any witnesses. If you do not know the name of the Respondent, please type “Unknown Respondent” in the name field.

If you would like to list more than one witness, please fill out the fields on the last page of this document.

RESPONDENT INFORMATION

Name or
Organization:

Academy ID #:

Email Address:

Phone Number:

Status at Taylor
Andrews Academy:

☐ Student ☐ Faculty Member ☐ Staff Member

☐ Non-Community Member ☐ Other/Unknown (please specify) _____

Gender:

☐ Male ☐ Female ☐ Gender Non-Conforming

☐ Organization ☐ Other (specify if desired) _____

DOB
(YYYY-MM-DD):

Address:

WITNESS INFORMATION

Name or
Organization:

Academy ID #:

Email Address:

Phone Number:

Status at Taylor
Andrews Academy:

☐ Student ☐ Faculty Member ☐ Staff Member
☐ Non-Community Member ☐ Other (please specify) _____

Gender:

☐ Male ☐ Female ☐ Gender Non-Conforming
☐ Organization ☐ Other (specify if desired) _____

DOB
(YYYY-MM-DD):

Address:

*DESCRIPTION OF THE INCIDENT

*Please describe the incident in detail, using specific, concise, and objective language to explain the who, what, where, when, why and how of the incident. If you need more space to describe the incident, you may attach an additional document to this report. *(required)*

FORM OF SEXUAL HARASSMENT

☐ Stalking

ADDITIONAL INFORMATION

Please provide any additional information that you would like the Title IX Coordinator to know such as your reason for reporting this incident, immediate security concerns, or questions about next steps.

RELEVANT DOCUMENTS OR PHOTOS

Please attach to this report any documents, emails, photos, screenshots of relevant texts or social media posts/messages, or any other materials that may be relevant to your report. If you do not have access to these materials at this time, you will have additional opportunities to present them during the investigation.

AUTHORIZATION & SIGNATURE

*I understand that by submitting this formal complaint, I am knowingly initiating the formal grievance process (i.e. formal investigation) related to the allegations that have been described. *(required)*

☐ Yes, I understand

* I understand that upon receipt of this formal complaint, the Title IX Coordinator may contact me to gather additional information, if necessary. *(required)*

☐ Yes, I understand

* I understand that upon the Title IX Coordinator's review, Taylor Andrews Academy will dismiss the formal complaint if the alleged conduct:

1. Would not constitute sexual harassment as defined in the Sexual Misconduct & Sexual Harassment Policy if proven;
2. Did not occur in Taylor Andrews Academy's education program or activity;
3. Did not occur in the United States; or
4. Occurred prior to August 14, 2020.

I also understand that if the formal complaint is dismissed, the Title IX Coordinator will notify the respondent and me of the dismissal. However, the behavior that does not meet the above criteria may still be addressed under different Taylor Andrews Academy policies. (If you are unsure if the alleged incident would meet the above criteria, we encourage you to use the [Incident Report](#) and/or contact the Title IX Coordinator with questions). *(required)*

☐ Yes, I understand

By signing my name below, I confirm that I am the Complainant making a Formal Complaint of Sexual Harassment under Title IX. I also confirm that the information provided in this formal complaint is true to the best of my knowledge.

Signature: _____ Date: _____