

NuWave School of Hair Design

Sexual Assault & Harassment Policy

2018-2019

This policy prohibits all forms of sexual misconduct, including sexual harassment, sexual assault, sexual exploitation, indecent exposure, intimate-partner violence, dating violence and domestic violence, retaliation, stalking, and other misconduct that is sex or gender based, or in the context of an intimate partner relationship including: bullying and intimidation, physical assault, and discrimination.

I. Statement of intent

NuWave School of Hair Design is committed to establishing and maintaining a community rich in equality and free from all forms of discrimination and harassment. The Private Career College seeks to create an environment in which the greatest holistic academic potential of students and professional potential of employees may be realized. In order to create and maintain such an inclusive climate, all who work and learn at the College are partners in the work of ensuring that the community is free from discrimination based on sex or gender, including sexual harassment, sexual assault, and other forms of sexual misconduct. These behaviors threaten our learning, living, and work environments and will not be tolerated.

In general, sexual misconduct is the broad term used to refer to all of the prohibited behaviors under this policy. Some of these prohibited forms of conduct may also be crimes under Ontario law. All private career colleges must follow the PCC sexual assault and bullying policies, discrimination on the basis of sex can include sexual harassment, gender-based harassment, sexual violence, sexual assault, and other forms of sexual misconduct, including stalking and intimate partner violence.

All Ontarians deserve to feel safe from sexual violence and harassment in their communities, workplaces, homes, and schools. During International Women's Week in 2015, the Ontario government launched a \$41 million, multiministry, three-year strategy to stop sexual violence and harassment in the province. It's Never Okay: An Action Plan to Stop Sexual Violence and Harassment was a ground breaking initiative outlining concrete steps to help change attitudes, provide more supports for survivors, and make workplaces and campuses safer and more responsive to complaints about sexual violence and harassment.

NuWave will maintain and disclose non-identifying information about the crimes that occur on or near their campus including allegations of sexual misconduct, specifically sexual assault, domestic violence, dating violence and stalking.

The College, employee, or agent of the College, may not retaliate, intimidate, threaten, coerce, or otherwise discriminate against any individual for exercising their rights or responsibilities in this policy as required under the Violence Against Women Act.

NuWave School of Hair Design is an academy that strives to achieve its mission as a private career college by encouraging the free, open, and civil exchange of ideas. Ideas, creativity, and free expression thrive and can only exist for the entire community in an atmosphere free of sexual discrimination and harassment.

II. Scope of policy

NuWave School of Hair Design prohibits harassment of and discrimination against any and all community members. This policy applies to all members of the College community, including students, employees (including administration, faculty, and instructional staff), volunteers, visitors, and any individuals regularly or temporarily employed, studying, visiting, conducting business, or having any official capacity at the Academy.

All community members have a responsibility to adhere to NuWave policies and local, provincial, and federal law. This policy applies to conduct occurring on NuWave School of Hair Design property, at NuWave-sanctioned events, or programs that take place off campus. This policy also applies to off-campus conduct that is likely to have a substantial adverse effect on any member of the NuWave School of Hair Design community or NuWave School of Hair Design.

NuWave's Policy on Prohibited Relationships prohibits romantic or sexual relationships between College employees (including instructional staff, faculty, and staff) and students. Violations of the Policy on Prohibited Relationships will be addressed by that policy, unless the prohibited conduct also violates the Sexual Assault and Harassment Policy, in which case it may be addressed in whole or in part by this policy.

III. Notice of non-discrimination

NuWave expressly prohibits any form of discrimination and harassment on the basis of any NuWave-recognized protected classification, including sex, race, color, age, religion, national or ethnic origin, sexual orientation, gender identity or expression, pregnancy, marital status, medical condition, veteran status, or disability in any decision regarding admissions, employment, or involvement in a NuWave program.

NuWave School of Hair Design, as an educational community, will promptly and equitably respond to all reports of sexual misconduct in order to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community. Please see the reporting section to make a report of discrimination, harassment, or to file a complaint.

IV. NuWave statement regarding privacy

The College is committed to protecting the privacy of all individuals involved in a report of sexual misconduct. In any report under this policy, every effort will be made to protect the privacy interests of all individuals involved

Privacy and confidentiality have distinct meanings under this policy.

Privacy. Privacy generally means that information related to a report of misconduct will only be shared with a limited circle of individuals. The use of this information is limited to those NuWave employees who “need to know” in order to assist in the active review, investigation, or resolution of the report. While not bound by confidentiality, these individuals will be discreet and respect the privacy of all individuals involved in the process.

Confidentiality. Confidentiality means that information shared by an individual with designated confidential campus or community professionals cannot be revealed to any other individual without express permission of the disclosing individual. Those campus and community professionals include: Administration, and the Owners of NuWave, all of whom have legally protected confidentiality. These individuals are prohibited from breaking confidentiality unless there is an imminent threat of harm to self or others or the disclosure is otherwise legally permitted or required. Non-identifying, aggregate data may be shared for statistical purposes.

Any other NuWave employee who is not designated as a confidential resource under this policy is required to share a report of sexual misconduct to the standing Administrator of NuWave School of Hair Design. (See Reporting section for full discussion of reporting requirements). The Administrator in consultation with the Owners of NuWave (as necessary) will conduct an initial assessment of the conduct, the complainant’s desired course of action, and the necessity for any interim measures or services to protect the safety of the complainant or the community. The goal is to eliminate any hostile environment.

If a report of misconduct discloses a serious or immediate threat to the campus community, NuWave will issue a timely notification to the community to protect the health or safety of the community. The timely notification will not include any identifying information about the complainant. NuWave may also share non-identifying information about reports received in aggregate form, including data about outcomes and sanctions. At no time will the College release the name of the complainant to the general public without the express consent of the complainant or as otherwise permitted or required by law.

All College proceedings are conducted in compliance with the Ministry of Advanced Education and Development, the PCCA, and OSAP sexual assault and harassment policy. No information shall be released from such proceedings except as required or permitted by law and College policy.

V. Prohibited Conduct

The College prohibits the following forms of conduct:

- Sexual Harassment
- Sexual Assault
- Sexual Exploitation
- Intimate-Partner Violence, including Dating Violence and Domestic Violence
- Indecent Exposure
- Retaliation
- Stalking
- Other misconduct that is sex or gender-based, or in the context of an intimate partner relationship including:
 - Bullying and Intimidation
 - Physical Assault
 - Discrimination

This prohibited conduct can affect individuals of all genders, gender identities, gender expressions, and sexual orientations, and does not discriminate by racial, social, or economic background. Some of these prohibited forms of conduct may also be crimes under Pennsylvania law.

A. Sexual harassment

Sexual harassment is any unwelcome conduct of a sexual nature or based on sex or gender when at least one of the following conditions are present:

- Quid pro quo: Submission to or rejection of such conduct is an explicit or implicit condition of, or the basis of an individual's employment, evaluation of academic work, or any aspect of a College program or activity;
- Hostile environment: Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance, i.e. it is sufficiently serious, pervasive, or persistent as to create an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic, residential, or social environment under both an objective and subjective standard.

Sexual harassment also includes 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.

A single, isolated incident of sexual harassment alone may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the less need there is to show a repetitive series of incidents to create a hostile environment, particularly if the harassment is physical.

Sexual harassment can take many forms. Sexual harassment:

- may include, but is not limited to sexual advances or request for sexual favors, inappropriate comments, jokes or gestures, or other unwanted verbal or physical conduct of a sexual nature.
- may be blatant and intentional and involve an overt action, a threat of reprisal, or may be subtle and indirect, with a coercive aspect that is unstated.
- does not have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- may be committed by anyone, regardless of gender, age, position, or authority. While there is often a power differential between two persons, perhaps due to differences in age, social, educational, or employment relationships, harassment can occur in any context.
- may be committed by a stranger, an acquaintance, or someone with whom the complainant has an intimate or sexual relationship.
- may be committed by or against an individual or may be a result of the actions of an organization or group.
- may occur by or against an individual of any sex, gender identity, gender expression, or sexual orientation.
- may occur in the classroom, in the workplace, in residential settings, over electronic media (including the internet, telephone, and text), or in any other setting.
- may be a one-time event or part of a pattern of behavior.
- may be committed in the presence of others or when the parties are alone.
- may affect the complainant and/or third parties who witness or observe the harassment.

Sexually harassing behaviors differ in type and severity. Key determining factors are that the behavior is unwelcome, is sex or gender-based, and is reasonably perceived as offensive and objectionable under both a subjective and objective assessment of the conduct.

B. Sexual assault

Sexual assault is intentional sexual contact with another person without that person's consent.

- *Non-consensual sexual touching* includes contact with 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.
- *Non-consensual sexual penetration* includes vaginal or anal penetration, however slight, with a body part (e.g., penis, tongue, finger, hand, etc.) or object, or oral penetration involving mouth-to-genital contact.

Intentional is defined as knowingly and/or recklessly engaging in sexual contact without an individual's consent and does not include accidental contact. Being intoxicated or impaired by drugs or alcohol is never an excuse for sexual misconduct in any form and does not negate one's intent or diminish one's responsibility to obtain informed and freely given consent.

See *Related Definitions* for a description of *Consent*.

C. Sexual exploitation

Sexual exploitation is an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage, or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses.

Examples of sexual exploitation include:

- observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved;
- non-consensual streaming of images, photography, video, or audio recording of sexual activity or nudity, or distribution of such without the knowledge and consent of all parties involved;
- prostituting another individual;
- exposing another's genitals in non-consensual circumstances;
- knowingly exposing another individual to a sexually transmitted disease or virus without that individual's knowledge; and
- inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity.

D. Intimate-partner violence, including Dating Violence and Domestic Violence

Intimate-partner violence includes dating violence, domestic violence, and relationship violence, includes any act of violence or threatened act of violence against a person who is, or has been involved in, a sexual, dating, domestic, or other intimate relationship with that person. It may involve one act or an ongoing pattern of behavior.

Intimate-partner violence can encompass a broad range of behavior, including, but not limited to, physical violence and sexual violence. Intimate-partner violence may take the form of threats, assault, property damage, or violence, or threat of violence to oneself, one's sexual or romantic partner, or to the family members or friends of the sexual or romantic partner.

Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the alleged victim. The existence of such a relationship will be determined based on the reporting party's statement, taking into consideration the following factors: a) the length of the relationship, b) the type of relationship, and c) the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical violence or the threat of such violence.

Domestic violence is violence committed by a current or former spouse, or sexual or intimate partner of the alleged victim, a person who is living as a spouse or who lived as a spouse with the alleged victim, parents and children, other persons related by blood or marriage, or by a person with whom the alleged victim shares a child in common. Under the criminal laws of Pennsylvania certain offenses, including but not limited to, rape, aggravated assault and stalking, can be deemed domestic violence depending on the relationship of the parties involved.

E. Indecent exposure

A person commits *indecent exposure* if that person exposes their genitals in any public place or in any place where there are other persons present under circumstances in which one knows or should know that this conduct is likely to offend, affront, or alarm.

F. Retaliation

Retaliation is any act or attempt to retaliate against or seek retribution from any individual or group of individuals involved in the investigation and/or resolution of a sexual misconduct allegation. Retaliation can take many forms, including continued abuse or violence, threats, and intimidation. Any individual or group of individuals, not just a complainant or respondent, can engage in retaliation.

G. Stalking

Stalking occurs when a person engages in a course of conduct or repeatedly communicates and/or commits acts toward another person, including following the person without proper authority, under circumstances that demonstrate or communicate either of the following:

- an intent to place the other person in reasonable fear of bodily injury; or
- an intent to cause substantial emotional distress to the other person.

A course of conduct is when a person engages in two or more acts that include, but are not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action,

method, device, or means, follows, monitors, observes, surveys, threatens, or communicates to or about a person in a prohibited way, or interferes with a person's property.

Stalking includes the concept of cyberstalking, a particular form of stalking in which electronic media such as the Internet, social networks, blogs, cell phones, texts, or other similar devices or forms of contact are used to pursue, harass, or to make unwelcome contact with another person in an unsolicited fashion.

Examples of stalking include:

- unwelcome and repeated visual or physical proximity to a person;
- repeated oral or written threats;
- extortion of money or valuables;
- unwelcome/unsolicited written communication, including letters, cards, emails, instant messages, and messages on online bulletin boards;
- unwelcome/unsolicited communications about a person, their family, friends, or co-workers; or
- sending/posting unwelcome/unsolicited messages with an assumed identity; or
- implicitly threatening physical contact;
- or any combination of these behaviors directed toward an individual person.

Other misconduct that is sex or gender-based, or in the context of an intimate partner relationship including:

H. Bullying and intimidation

Bullying includes any intentional electronic, written, verbal, or physical act or a series of acts of physical, social, or emotional domination that cause physical or emotional harm to another student or group of students. Bullying conduct may not only cause a negative effect on individuals targeted but also others who observe the conduct. Bullying conduct is severe, persistent, or pervasive and has the effect of doing any of the following:

- substantially interfering with a community member's education, employment, or full enjoyment of the college;
- creating a threatening or intimidating environment; or
- substantially disrupting the orderly operation of the College. Bullying is prohibited, and participating in such acts will result in disciplinary action.

Intimidation is any verbal, written, or electronic threats of violence or other threatening behavior directed toward another person or group that reasonably leads the person(s) in the group to fear for her/his physical well-being. Intimidation is prohibited and will result in disciplinary action.

Anyone who attempts to use bullying or intimidation to retaliate against someone who reports an incident, brings a complaint, or participates in an investigation in an attempt to influence the

student conduct process will be in violation of retaliation as described within this handbook and will be subject to disciplinary action.

When acts of bullying and intimidation 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 Assault and Harassment Policy*.

I. Physical assault

Physical assault is a purposeful action meant to hurt another person. Examples include, but are not limited to, kicking, punching, hitting with or throwing an object, or biting. 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 Assault and Harassment Policy*.

J. Discrimination

Discrimination under this Policy is defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex, gender identity or expression, or sexual orientation. (For full list of protected classes and additional resources, see Notice of Non-Discrimination)

VI. Related definitions

A. Reporting person

Any person who makes a report to the Title IX Coordinator or Deputy Title IX Coordinator about sexual misconduct.

B. Complainant

Any member of the College community seeking resources, support, and/or a formal disciplinary process in response to sexual misconduct.

C. Respondent

Any member of the NuWave community who has been alleged to have violated the *Sexual Assault and Harassment Policy*.

D. Consent

Consent to engage in sexual activity must be knowing and voluntary; it must exist from the beginning to end of each instance of sexual activity and for each form of sexual contact. Consent should not be assumed. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Either party may withdraw consent at any time. Withdrawal of consent should be outwardly demonstrated by words or actions that clearly indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease immediately.

Guidance for assessing consent:

- Prior to initiating any sexual activity, the person(s) initiating and/or continuing the sexual activity is expected to obtain consent. If at any time during the sexual activity, any confusion or ambiguity arises, individuals should pause and seek clarification regarding consent. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.
- Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent should not be inferred solely from silence, passivity, lack of resistance, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.
- Consent to previous sexual activity and/or in the context of an intimate relationship does not presume consent is given in any subsequent sexual encounter.
- Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise their own free will.
- Consent cannot be obtained from an individual who is incapacitated. A full discussion of Incapacitation follows in section G below.
- In the Commonwealth of Ontario, the age of majority is 18. Under provincial law, consent cannot be given by minors under the age of 13 and can only be given by a minor under the age of 16, if the other party is fewer than four (4) years older than the minor.

E. Force

Force is the use or threat of physical violence or intimidation to overcome an individual's freedom of will to choose whether or not to participate in sexual activity. There is no requirement that a party resists the sexual advance or request, but resistance will be viewed as a clear demonstration of non-consent.

F. Coercion

Coercion is the use of pressure to compel another individual to initiate or continue sexual activity against an individual's will. Coercion can include a wide range of behaviors, including intimidation, manipulation, threats, and blackmail. A person's words or conduct are sufficient to constitute coercion if they wrongfully impair another individual's freedom of will and ability to choose whether or not to engage in sexual activity.

Examples of coercion:

- Threatening to "out" someone based on sexual orientation, gender identity, or gender expression.
- Threatening to harm oneself if the other party does not engage in the sexual activity.

G. Incapacitation

Incapacitation describes an individual who lacks the ability to make informed, rational judgments and cannot consent to sexual activity. Incapacitation is defined as the inability, temporarily or permanently, to give consent because the individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring.

Incapacitation may result from the use of alcohol and/or drugs. Incapacitation is a state beyond drunkenness or intoxication. The impact of alcohol and other drugs varies from person to person.

Warning signs that a person may be approaching incapacitation may include:

- slurred speech
- vomiting
- unsteady gait
- odor of alcohol
- combativeness
- emotional volatility

Guidance for evaluating incapacitation requires an assessment of how the consumption of alcohol and/or drugs affects an individual, with respect to:

- decision-making ability
- awareness of consequences
- ability to make informed judgments
- capacity to appreciate the nature and the quality of the act

Evaluating incapacitation also requires an assessment of whether a respondent should have been aware of the complainant's incapacitation based on objectively and reasonably apparent indications of impairment when viewed from the perspective of a sober, reasonable person in the respondent's position.

In general, the College considers sexual contact while under the influence of alcohol or other drugs to be risky behavior. Alcohol and drugs impair a person's decision-making capacity, awareness of consequences, and ability to make informed judgments. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. If there is any doubt as to the level or extent of the other individual's intoxication or impairment, the prudent course of action is to forgo or cease any sexual contact or activity.

VII. Role of the Administrator

The Administrator oversees the Academies centralized review, investigation, and resolution of reports of sexual misconduct. The Administrator also coordinates NuWave's compliance with the

PCCA, Ministry of Advanced Education and skills Development, and OSAP policies on sexual assault and harassment. The Administrator can be contacted by telephone, email, or in person during regular office hours.

Administrator:

Emma Murray

807-623-6666

1526 Victoria Ave E

Thunder Bay Ontario

P7C 1C5

emma@nuwaveschool.com

The Administrator is:

- responsible for oversight of the investigation and resolution of all reports of sexual misconduct;
- available to advise any individual, including a complainant, a respondent, or a third party, about the courses of action available at NuWave, both informally and formally;
- available to provide assistance to any NuWave community member regarding how to respond appropriately to reports of sexual misconduct;
- responsible for oversight of sexual violence prevention education and employee training;
- responsible for monitoring full compliance with all requirements and timelines specified in the complaint procedures; and
- responsible for compiling annual and semiannual reports.

VIII. Resources

A. Overview

NuWave is committed to treating all members of the community with dignity, care, and respect. Any individual affected by sexual misconduct, whether as a victim/survivor, complainant, respondent, or third party, will have equal access to support at NuWave. NuWave recognizes that deciding whether to make a report and choosing how to proceed can be difficult decisions. NuWave encourages any individual who has questions or concerns to seek the support of campus and community resources. These professionals can provide information about available resources, procedural options, and assistance to any party in the event that a report and/or resolution under this policy are pursued. Individuals are encouraged to use all available resources, regardless of when or where the incident occurred and whether it is reported to the College or law enforcement

Information about on- and off-campus resources are included in the *Sexual Assault and Harassment Policy*, including counseling, health, mental health, victim advocacy, interim

measures, and other services available to victims, both within the institution and in the community. In general, all interim measures that require action NuWave are implemented through the Administrator. The confidential advocate can also assist with referrals to medical assistance, counseling, campus resources, and provide detailed information about other interim measures available.

C. Emergency support services in the event of sexual misconduct and/or intimate partner violence

NuWave encourages all individuals to seek assistance from a medical provider and/or law enforcement as soon as possible after an incident of sexual misconduct. This option can provide for physical safety, emotional support, and medical care to the victim/survivor. It is the best option to ensure medical care, if necessary, and may assist in an investigation by preserving potential evidence. NuWave will offer to escort NuWave community member to a safe place, provide transportation to the hospital, assist in coordination with law enforcement, and provide information about NuWave's resources and complaint processes.

Emergency response resources

- **911**
- **Thunder Bay sexual abuse centre** (807) 345-0894 info@tbsasa.org
- **Anti-racism support** 2-1-1
- **Sexual assault/domestic violence centre** (807) 684-6751

D. On-campus resources

1. Confidential resources

For individuals who are seeking confidential consultation and support, there are several resources available on campus. The trained professionals designated below can provide information, and support under legally protected confidentiality. Because these relationships involve privileged conversations, these confidential resources will not share information without the individual's express permission. They may, however, submit non-identifying aggregate information (nature, date, time, and general location of the incident) about the incident for purposes of making a statistical report

- **Administration 807-623-6666**

E. Off-Campus Resources

1. Community medical providers.

A medical provider, such as Thunder Bay Regional Hospital, can provide emergency and/or follow-up medical services and provide a forum to discuss any health care concerns related to the incident in a confidential medical setting. This are the current local hospital.

Under Ontario law, a medical provider may be required to notify law enforcement of a sexual assault under certain circumstances. The medical provider, however, will share limited information with law enforcement, and a complainant may decline to speak with a law enforcement officer or participate in a criminal prosecution.

IX. Reporting

A. Overview

NuWave encourages all community members to report sexual misconduct in order to obtain assistance and maintain a safe campus environment. As outlined in *Emergency support services in the event of sexual misconduct and/or intimate partner violence* in the Resources section of this policy, NuWave encourages all individuals to immediately seek assistance from law enforcement, Public Safety, a medical provider, and/or a victim advocate. All NuWave community members, even those who are not obligated by the *Sexual Assault and Harassment Policy*, are strongly encouraged to report information regarding any incident of sexual misconduct to the Administrator. To the best of its ability, NuWave will respond to every report it receives. Anonymous or third-party reports may limit the response NuWave can provide.

The Administrator is charged with responding to allegations of sexual misconduct to stop the behavior, prevent its recurrence, and remedy its effects. Specifically, the Administrator, will coordinate the initial assessment, offer resources and support, and initiate an investigation when appropriate and/or requested.

B. Employee reporting obligations

With the exception of those employees who have recognized confidentiality **all College employees, including faculty, staff, student employees or volunteers who have responsibility for the welfare of other students, are required to share with the Administrator any report of sexual misconduct about which they become aware.** These employees must promptly share all details of the reports they receive.

NuWave will generally not investigate information and statements provided in classroom writing assignments or discussions, research projects, or community public awareness events related to issues of sexual misconduct, unless the reporting party clearly indicates that they wish a report to

be made. During such situations and if appropriate, the Administrator or designee will provide the person making the statement with campus and community resources.

Those employees with reporting obligations, do not need to report when incidents of sexual misconduct are communicated during a classroom discussion, in a writing assignment for a class, or as part of a research project.

As outlined in the *Statement Regarding Privacy* (section IV of this policy), NuWave respects the privacy interests of students, faculty, and staff. Information reported to the Administrator will only be shared with those NuWave officials who will assist in responding, investigating, and/or resolving a complaint. NuWave will document non-identifying information in the campus incident log. Should NuWave determine there is a serious or imminent threat, a timely warning notice will be shared with the community.

The Administrator will ensure that NuWave responds to all reports in a timely, fair, effective, and consistent manner. To do so, the Administrator may consult with members of NuWave faculty. The Owners of NuWave may assist the Administrator with the review, investigation, and/or resolution of all reports to ensure consistent responses, support individuals involved, and protect the NuWave community.

NuWave will approach each report with an earnest intent to understand the perspective and experiences of each individual involved to ensure fair and impartial evaluation and resolution. NuWave will also take every effort to ensure the safety of the campus community when evaluating and assessing any reported sexual misconduct.

C. Making a report vs. Filing a complaint

A report is defined as notification of an incident of sexual misconduct to the Title IX coordinator by any reporting person. A report may be accompanied by a request for resources, no further action, remedies-based resolution, and/or to initiate a formal complaint process. Filing a complaint is the request to initiate the College's formal disciplinary process.

At the time a report is made, a complainant does not have to decide whether to file a complaint. NuWave recognizes that not every individual will be prepared to file a complaint with NuWave or law enforcement, and individuals are not expected or required to pursue a specific course of action. Choosing to make a report and deciding how to proceed after making the report can be a process that unfolds over time. To the extent possible, NuWave will respect an individual's autonomy in making these important decisions and provide support that will assist each individual in making that determination. A report may become a formal complaint, either initiated by the complainant or by any of the NuWave faculty.

To file a complaint, please contact the Administrator or the Owners of NuWave.

D. Campus reporting options

NuWave recognizes that any member of the community may choose to report sexual misconduct to any NuWave employee. For example, a student may choose to confide in an instructor, a faculty member, or a coach. A faculty/staff member may choose to confide in a supervisor or colleague. However, under this policy, any employee, other than those deemed confidential by law, who receives a report of sexual misconduct, is required to share the report with the Administrator. All members of the NuWave community are encouraged to go directly to the Administrator with reports of or concerns about sexual misconduct.

Campus reporting

Any member of the NuWave community must report verbally or in a written statement to the Administrator or the Owners of NuWave School of Hair Design.

G. Reporting considerations

1. Timeliness of report, location of incident

Complainants and third-party witnesses are encouraged to report sexual misconduct as soon as possible in order to maximize NuWave's ability to respond promptly and effectively. NuWave does not, however, limit the timeframe for reporting. If the respondent is no longer a student or employee, NuWave may not be able to take disciplinary action against the respondent, but it will still seek to meet its obligation by taking steps to end the behavior prevent its recurrence, and address its effects. An incident does not have to occur on campus to be reported to NuWave. Off-campus conduct is covered under this policy.

2. Amnesty for personal use of alcohol or other drugs

NuWave seeks to remove any barriers to reporting. NuWave will generally offer any student, complainant, third party, and/or witness who reports sexual misconduct limited immunity from being charged for violations related to the school's alcohol or other drugs policy, provided that any such violations did not and do not place the health and safety of any person at risk. NuWave may choose, however, to recommend educational or therapeutic remedies in certain situations.

3. Statement against retaliation

As stated above, retaliation is a violation of NuWave policy. NuWave recognizes that retaliation can take many forms, may be committed by or against an individual or a group, and that all parties to a complaint, including the complainant and respondent, as well as third parties such as witnesses may be the subject of retaliation by another individual. All such forms of retaliation are prohibited and should a complainant, respondent, or third-party suspect retaliation they are encouraged to report the behavior to the Administrator. An individual reporting sexual misconduct is entitled to protection from any form of retaliation following a report made in good faith, even if the report is not later substantiated.

4. False reporting

The allegation of sexual misconduct may have severe consequences and therefore NuWave takes very seriously the validity of reported information. An individual who makes a report that is later found to have been intentionally false or made maliciously without regard for the truth may be subject to disciplinary action. This provision does not apply to reports made in good faith, even if the facts alleged in the report are not substantiated by an investigation. Similarly, a party or witness who is later proven to have intentionally given false information during the course of an investigation or resolution may be subject to disciplinary action.

H. Reports involving minors

Any NuWave employee who has reasonable cause to suspect abuse of a child (an individual under the age of 18) that the employee has come into contact with during the course of employment must make a report to the Department of Public Safety, which will facilitate a report to local law enforcement and Child Welfare Services. This requirement applies to an employee's suspicion of past or present abuse of a person who is a child at the time of the report. All other members of the NuWave community (students, visitors, guests, etc.) are strongly encouraged to report whenever child abuse is suspected.

In the interest of protecting the safety and welfare of a child, any uncertainty about whether reporting is required or whether abuse has actually occurred should always be resolved in favor of making a report. **Do not** investigate, attempt to obtain proof, or try to solicit information from the child. This responsibility lies with the Thunder bay Police department. **If the child is in immediate danger, please call 911 immediately.**

I. Reporting to external agencies

Inquiries or complaints about the College's response to a discrimination complaint or its application may be directed to one of the following external agencies:

- The Ministry of Advanced Education and Skills Development [1-800-387-5514](tel:1-800-387-5514)

J. Time frames for resolution

NuWave seeks to resolve all complaints of sexual misconduct within sixty (60) days. All time frames expressed in this policy are meant to be guidelines rather than rigid requirements. Circumstances may arise that require the shortening or extending of time frames, including extension beyond sixty (60) days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, a complainant and respondent can expect that the process will proceed according to the time frames provided in this policy. In the event that the investigation and resolution exceed this time frame, NuWave will notify all parties of the reason for the delay and the expected adjustment in time frames. Best efforts will be made to complete the process in a timely manner by balancing principles of thoroughness and fundamental fairness with promptness.

At the request of law enforcement, NuWave may agree to defer its fact-gathering until after the initial stages of a criminal investigation. NuWave will nevertheless communicate with the complainant, procedural options, and the implementation of interim measures to ensure safety and well-being. NuWave will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation.

K. Resolution Procedures

NuWave has jurisdiction over complaints and may take disciplinary action against a respondent who is a current student or employee. Disciplinary action against a respondent may only be taken through one of NuWave's resolution procedures. Because the relationship of students, staff, and faculty to NuWave differ in nature, the procedures that apply when seeking disciplinary action necessarily differ as well. Each of the procedures, however, is guided by the same principles of fundamental fairness and respect for all parties, which require notice, an equitable opportunity to be heard, and an equitable opportunity to respond to a report under this Sexual Assault and Harassment Policy. NuWave will provide a prompt, fair, and impartial process from the initial assessment to the final outcome

The procedure followed will be determined by the relationship of the respondent to the College:

- Complaints against a student will be resolved by the Administrator
- Complaints against a staff member, instructional staff member, including faculty will be resolved by the Owners of NuWave School of Hair Design.
- Even if the offending individual is not a student or employee, NuWave will promptly and equitably respond to all reports of sexual misconduct in order to eliminate the misconduct, prevent its recurrence, and address its effects on any individual or the community.