

TITLE IX POLICY

Title IX | Clery Act information shall be posted on the student bulletin board and available to the student at all times. It is the Administration Departments responsibility to make sure that the list is updated and available to the students when necessary. The policy will be evaluated by the CAO annually.

OBJECTIVE

It is the intent of the School to ensure that students have resources available to them when necessary.

Your Title IX officer is Natalie Parkin, she can be reached at the school at 801.530.0001 ext 105, on her cell phone at 801.414.7551 or help@skinworks.edu. Natalie has gone through Title IX training and can direct you to the proper authorities and/or counseling offices.

WHAT IS TITLE IX?

- Title IX of the Education Amendments of 1972 is a federal civil rights law that prohibits discrimination on the basis of sex against any person in education programs and activities receiving federal funding. Programs or activities receiving federal financial assistance include virtually all public and private colleges and universities, and all public elementary and secondary schools.
- Students, staff, faculty, and other employees; women, girls, men, and boys; straight, LGBT, and gender-nonconforming persons; persons with and without disabilities; and international and undocumented persons all have the right to pursue education, including athletic programs, scholarships, and other activities, free from sex discrimination, including sexual violence and harassment.

When people speak about Title IX they are referring to 20 U.S.C. § 1681(a), which says:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

Sexual harassment is unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual violence is a form of sexual harassment prohibited by Title IX.

When a student sexually harasses another student, the harassing conduct creates a hostile environment if the conduct is sufficiently serious that it interferes with or limits a student's ability to participate in or benefit from the school's program. The more severe the conduct, the less need there is to show a repetitive series of incidents to prove a hostile environment, particularly if the harassment is physical. Indeed, a single or isolated incident of sexual harassment may create a hostile environment if the incident is sufficiently severe. For instance, a single instance of rape is sufficiently severe to create a hostile environment.

Title IX protects students from sexual harassment in a school's education programs and activities. This means that Title IX protects students in connection with all the academic, educational, extracurricular, athletic, and other programs of the school, whether those programs take place in a school's facilities, on a school bus, at a class or training program

VIOLENCE AGAINST WOMEN ACT (VAWA)

Skinworks School of Advanced Skincare prohibits the crimes of dating violence, domestic violence, sexual assault and stalking.

Skinworks has adopted certain institutional policies to address and prevent campus sexual violence, such as to train in particular respects pertinent institutional personnel.

UNDER VAWA, COLLEGES AND UNIVERSITIES ARE REQUIRED TO:

- Report domestic violence, dating violence, and stalking, beyond crime categories the Clery Act already mandates;
- Adopt certain student discipline procedures, such as for notifying purported victims of their rights; and

The institution upon written request, will disclose to the alleged victim of a crime of violence (as the term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim.

DEFINITIONS

DATING VIOLENCE is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

DOMESTIC VIOLENCE is defined as a felony or misdemeanor crime 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 in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

STALKING is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

SEXUAL ASSAULT is defined as an offense that meets the definition of Rape, Fondling, Incest or Statutory Rape as used in the FBI's UCR program and included in Appendix A of 34 CFR Part 668.

Under Utah law, sexual offenses **“WITHOUT CONSENT”** of the victim arise when:

- 1) the victim expresses lack of consent through words or conduct;
- 2) the actor overcomes the victim through the actual application of physical force or violence;
- 3) the actor is able to overcome the victim through concealment or by the element of surprise;
- 4) the actor coerces the victim to submit by threatening to retaliate in the immediate future against the victim or any other person, and the victim perceives at the time that the actor has the ability to execute this threat; or (ii) the actor coerces the victim to submit by threatening to retaliate in the future against the victim or any other person, and the victim believes at the time that the actor has the ability to execute this threat;
- 5) the actor knows the victim is unconscious, unaware that the act is occurring, or physically unable to resist;
- 6) the actor knows that as a result of mental disease or defect, or for any other reason the victim is at the time of the act incapable either of appraising the nature of the act or of resisting it;
- 7) the actor knows that the victim submits or participates because the victim erroneously believes that the actor is the victim's spouse;
- 8) the actor intentionally impaired the power of the victim to appraise or control his or her conduct by administering any substance without the victim's knowledge;
- 9) the victim is younger than 14 years of age;
- 10) the victim is younger than 18 years of age and at the time of the offense the actor was the victim's parent, stepparent, adoptive parent, or legal guardian or occupied a position of special trust in relation to the victim;
- 11) the victim is 14 years of age or older, but younger than 18 years of age, and the actor is more than three years older than the victim and entices or coerces the victim to submit or participate, under circumstances not amounting to the force or threat required under Subsection (2) or (4); or
- 12) the actor is a health professional or religious counselor, the act is committed under the guise of providing professional diagnosis, counseling, or treatment, and at the time of the act the victim reasonably believed that the act was for medically or professionally appropriate diagnosis, counseling, or treatment to the extent that resistance by the victim could not reasonably be expected to have been manifested. Utah Code Ann. §76-5-406.

Consent exists when all parties exchange mutually understandable affirmative words or behavior indicating their agreement to participate voluntarily in sexual activity.

WHAT TO DO IF YOU HAVE BEEN SEXUALLY ASSAULTED

- 1) Get to a safe place as soon as you can. Call 911 if you are in immediate danger.
- 2) Contact someone you trust to be with you for support. The Rape Recovery Center provides 24 hours support, 801-467-7273.
- 3) Incidents that occur on campus should be reported to our Title IX Coordinator, Natalie Parkin, immediately at 801-530-0001 or help@skinworks.edu. If desired, she can assist you in filing a complaint with South Salt Lake City Police Department.
- 4) Incidents that occur off campus should be reported to the city in which the incident happened. If the incident happened in Salt Lake City Police Department number is 801-799-3000 or South Salt Lake at (801) 412-3606. Reporting to the police doesn't mean that you must press charges although if a minor is involved or this is a domestic violence situation, the police will file charges with or without your consent. Our Title IX Coordinator, Natalie Parkin, is also available to assist in any off-campus incident. You may also decline to notify such authorities.
- 5) Do your best to preserve all physical evidence, even if you don't know if you want to report the assault or press charges.

- 6) Do not to shower, bathe, eat, brush your teeth, or wash your hands.
- 7) Don't change your clothing if possible, but if you need to change, put everything you were wearing into a paper bag and take them to your medical exam.
- 8) If the assault took place in your room or home, do not rearrange or clean up anything until you have decided whether or not to file a report.
- 9) Write down as much as you can remember about the assault, including a description of the assailant.
- 10) Seek medical care as soon as possible. The Rape Recovery Center (phone) has a 24-hour Hospital Response Team; a member can meet you at the hospital or Family Justice Center to provide information and support throughout the process. They can be reached at 801-467-7273.
- 11) To preserve forensic evidence, ask the hospital/facility Center to conduct a rape kit exam. Costs for this exam will be covered by Crime Victim Reparations. You can receive this exam whether or not you choose to involve the police.
- 12) If you suspect you have been drugged, ask that a urine sample be collected.
- 13) Even if you have no apparent injuries and you know that you will never report, it is important to get medical attention to determine the risks of STDs and pregnancy and receive appropriate prophylaxis medication if desired.
- 14) Get support. Many survivors of sexual assault experience a wide range of emotions following the assault, including shock, anger, self-blame, shame, helplessness, denial, fear, and mood swings among others. These can occur immediately after an assault or weeks, months or even years later.

VICTIMS RIGHTS

Skinworks School of Advanced Skincare does not issue orders of protection. For further information on obtaining a protection orders please contact your local law enforcement. Skinworks will comply and enforce criminal, civil, or tribal court-ordered protective orders for the safety of all students and staff who could be harmed. All accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide accommodation or protective measures. Clery Act reporting and disclosures are publicly available recordkeeping but will never include personally identifying information about the victim.

TO REPORT A CRIME

Contact the School Director, Natalie Parkin 801-414-7551 (non-emergencies) or dial 9-1-1 (emergencies only). Any suspicious activity or person seen loitering inside or around the Institute buildings should be reported. To the extent permissible by law, Skinworks School of Advanced Skincare keeps reports, records, and victim's names and information confidential. Skinworks is obligated to comply with a student's request for a change in their academic situation following an alleged sex offense with the request being rational and obtainable regardless of whether the victim chose to report the crime to local law enforcement. These changes can be requested through a general appeal. Please see the schools Director for information on obtaining a general appeal for this purpose. The institution does not counsel victims of "violence against woman". Support services are available outside the school and are listed below.

VAWA & DOMESTIC VIOLENCE RESOURCES

- Rape Recovery Center provides 24 hours support: 801-467-7273
- Rape Crisis Hotline: 888-421-1100
- Domestic Violence Hotline: 1-800-897-5465
- Adult Protective Services Hotline Salt Lake County: 801-264-7669
- Adult Protective Services Hotline other Utah Counties: 800-371-7897

- Center for Women and Children in Crisis (Utah County): 801-377-5500
- South Valley Sanctuary (West Jordan): 801-255-1095
- Women’s Crisis Center: 801-781-0743
- YWCA: 801-537-8600

REGISTERED SEX OFFENDERS

Information concerning registered sex offenders may be obtained by using the following websites.

- <https://corrections.utah.gov/index.php/services/sex-offender-registry.html/>
- <https://www.fbi.gov/scams-and-safety/sex-offender-registry>

INSTITUTIONAL DISCIPLINARY PROCEEDINGS (GRIEVANCE POLICY AND PROCEDURE)

The following procedures shall apply with respect to complaints or other reports of alleged sexual misconduct by a student.

- 1) The college’s Title IX coordinator will investigate complaints and reports of alleged sexual misconduct by a student or employee. This official receives annual training on issues related to dating violence, domestic violence, sexual assault, and stalking. They also are trained on how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. Skinworks will apply a “preponderance of evidence” standard meaning preponderance is based on the more convincing evidence and its probable truth or accuracy, and not on the amount of evidence
- 2) Informal dispute resolution shall not be used to resolve sexual misconduct complaints without written permission from both the victim and the respondent. If the parties elect to mediate a dispute, either party shall be free to discontinue mediation at any time. In no event, shall mediation be used to resolve complaints involving allegations of sexual violence. All complaints of sexual misconduct must go through the steps of the “Formal Grievance Procedure.” This form will be given to you by the Title IX coordinator.
- 3) The institution will provide the student or employee a written explanation of their rights and options as a reporting victim of dating violence, domestic violence, sexual assault or stalking. Regardless if the offense occurred on or off campus.

FORMAL PROCEDURE

- 1) It is a student's/employees right to seek redress of any grievance relating to his/her education/workplace and carrying out the procedure will not adversely affect his/her standing with the school.
- 2) If the student considers that the informal approach has not resolved the issue, or would be inappropriate given the nature of the grievance, he/she may raise his/her grievance in a formal way by writing to the Title IX Coordinator/Administration Department.
- 3) If the grievance is against the Administration Department the complaint should be made in writing to the school owner.
- 4) A formal grievance should normally be raised, where practicable, within 3 weeks of the action by another student or employee that has led to the grievance.
- 5) After the interview will be arranged to take place if possible within two weeks of the student/employee stating his/her intention to initiate the formal procedure. The recipient of the complaint will arrange and, normally, conduct this interview. If it is not possible to hold the interview within this period of time then, with the student's/employees agreement, it may be arranged to take place with an alternative manager. A decision will be advised to the accused and the accuser as soon as possible and this will also be confirmed in writing and a note of the interview will be prepared.

- 6) The Title IX Coordinator considering the grievance will either: Uphold the grievance, stating what action will be taken, OR not uphold the grievance, and no further action will be taken, OR Advise that further investigations are necessary and indicate a likely timescale for a resolution of the grievance.
- 7) Skinworks will provide a prompt, fair and impartial process from the initial investigation to the result. Sanctions imposed following the result of a sex offense include immediate termination, suspension, expulsion, cancellation of loans, loss of scholarship and grant funds, and fine and/or imprisonment.

ESCALATION STAGE

- 1) If a student is not satisfied with the outcome of the formal procedure, he/she may proceed with a written plea within 7 working days of the date he/she was informed of the decision from the Formal Stage. The plea should be in writing addressed to the School Director and should state whether he/she will be represented or accompanied at an plea interview. Relevant papers should also be sent with this notification.
- 2) The owner or school director will decide whether to hold the plea interview in person or whether it would be more appropriate for a third-party to conduct the interview.
- 3) An interview will be arranged to take place if possible within two weeks of the student stating his/her intention to file a plea.
- 4) The result of the plea will be advised in writing, normally within 7 working days, and a note of the interview will be prepared.
- 5) The owner and third-party (if applicable) will either: uphold the plea, stating what action will be taken, OR not uphold the plea and no further action will be taken
- 6) All decisions made at this juncture are final.

REPRESENTATION

at each stage of the grievance procedure, including the informal procedure:

- Students may be accompanied by another student of Skinworks, of his/her reasonable choice.
- If a student is to be accompanied or represented he/she should advise the appropriate person holding the plea accordingly, giving details of the individual's name.

BYSTANDER INTERVENTION

Bystander intervention is defined as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Most people want to help in difficult situations. Specific interventions can be divided into four main types:

- Engage: say or do something that directly engages one or more of the parties involved
- Distract: say or do something to interrupt the interaction
- Enlist: ask for the help of someone else who may be better able to intervene
- Delay: say or do something after the difficult moment or incident has passed

STRATEGIES FOR RISK REDUCTION

With no intent to victim blame and recognizing that only rapists are responsible for rape, the following are some strategies to reduce one's risk of sexual assault or harassment (taken from Rape, Abuse, & Incest National Network, www.rainn.org)

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.

- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cab money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - o Remember that being in this situation is not your fault. You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
- Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with. Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?
- If you and/or the other person have been drinking, you can say that you would rather wait until you both have your full judgment before doing anything you may regret later

All incoming students and staff receives training in orientation on the information listed above from the Title IX Coordinator. Some topics such as good listening skills and communication skills may be touched on throughout the programs business class to maintain prevention and awareness.