



AGE DISCRIMINATION GRIEVANCE PROCEDURE

School Catalog Addendum 2023

This process is intended for any student who believes that he or she has been discriminated against by any member of American Beauty College (faculty, peer, staff) to file a complaint and have that complaint resolved by the institution. American Beauty College will make every attempt to resolve any student complaint that is not frivolous or without merit. These procedures are available in the College's Catalog and required disclosures. Students should read these procedures and familiarize themselves with the steps to follow should they want to file a complaint.

The Age Discrimination Act of 1975 prohibits discrimination based on age in programs or activities that receive federal financial assistance. The U.S. Department of Education gives financial assistance to schools and colleges. The Age Discrimination regulation describes conduct that violates the Act. The Age Discrimination regulation is enforced by the Office for Civil Rights and is in the Code of Federal Regulations at 34 CFR Part 110.

DEFINITIONS:

- A. "Complainant" - A complainant is a student of the institution who submits a complaint alleging discriminatory action or treatment.
- B. "Respondent" - the person, alleged to be responsible for the prohibited conduct alleged in a complaint.
- C. "Days" - The calculation of calendar days in complaint processing, except as otherwise expressly provided, shall exclude Saturdays, Sundays, and federal, state and school holidays or closures.
- D. "Investigator" - an administrator or designated investigator who is not the subject of a complaint or is not a Complainant.

FILING A COMPLAINT

A student who believes that he or she has experienced, or witnessed discrimination should promptly report such incidents to their Instructor. Students should complete the Discrimination Grievance Form and submit it to the school Director at the student's campus. If a complaint is submitted in another written format, such as an email, or letter, the College may ask the student to complete the form but a complaint will not be rejected because a form was not used. All complaints must be filed within 180 days after the event/ incident. The time period for filing a Complaint may be extended for good cause as determined by the school Director. A copy of the Complaint form can be found in the Financial Aid Office at each campus. Students have the option to participate in an Informal Process, or a Formal Process, described below.

HANDLING OF A COMPLAINT

After a Complaint is received, the Director will either assign him or herself the role of Investigator, or select an impartial faculty or staff member or third party investigator who has received training in conducting an investigation and the laws regarding discrimination (the "Investigator"). In no event will the Investigator be a 1) person who is alleged to have engaged in the complained of behavior (the "respondent"), 2) a person who reports to a person who is the respondent, 3) is a relative of the respondent, or 4) otherwise has an actual or perceived conflict of interest in the process.

I. Optional Informal Process

Within 7 days of receiving the Complaint, the Investigator shall notify the student who filed the Complaint (the Complainant) of the option to participate in an optional informal resolution process. The Complainant is not required to participate in this process or meet directly with the respondent. This is an optional process that the Complainant may terminate at any time. During this optional informal process, the Complainant and the respondent, along with the Director or the assigned Campus Representative will attempt to resolve the dispute. The details of the Optional Informal Resolution Process will be kept confidential by all parties involved. The Optional Informal Process will last no longer than 21 days from the date of the Complaint, regardless of whether the matter is unresolved at the end of the 21st day, after which it will be referred for the Formal Process.

If a resolution is reached in the Optional Informal Process, the details of the resolution will be memorialized in an Optional Informal Resolution Agreement that will be signed by the School Director and the Complainant. The matter shall be considered closed and the Complainant is precluded from filing a new complaint, or an appeal concerning the same incident, except where the terms of the resolution are violated or have been ineffective in stopping the discrimination.



Evidence of final resolution of all Complaints will be retained in College files in order to determine the frequency, nature, and patterns of complaints for the institution.

If the Complainant chooses to participate in this Optional Informal Process, the investigation into the complaint will be suspended until the completion of the Optional Informal Process, or the Complainant terminates the Informal Resolution Process.

If American Beauty College determines that during the Optional Informal Process, that discrimination has occurred, it will take all appropriate steps to prevent the recurrence of the discrimination and to correct the effects on the complainants and others, if appropriate. When informal dispute resolution is unsuccessful, or not possible, a Complaint will be processed using the Formal Process.

II. Formal Process

The college will provide an adequate, reliable, and impartial investigation of complaints, including an equal opportunity to present witnesses and other relevant evidence. In all cases, the individual who plays a role in receiving, investigating, or otherwise processing of student complaints of discrimination will not have any actual or perceived conflict of interest in the process. An investigation into a Complaint will commence within Ten (10) days from receiving the complaint, unless Section I. (Informal process) above is applicable or the student withdraws the Complaint.

The Investigator will investigate the Complaint and document his or her efforts and findings. The investigation shall include, but not be limited to, review of records, notes, or statements related to the complaint; interviewing witnesses; interviewing the Complainant; and interviewing the respondent. At no time will the Complainant and the respondent be interviewed together.

The investigation must be completed within 60 days after receiving a Complaint or within 60 days from the date of the referral from the Informal Process. This time period may be extended by the school Director upon a showing of good cause that additional time is necessary to conduct a fair investigation. However, it is the College's policy to make reasonable efforts to complete the investigation within the 60-day time period. If an extension is needed, the school Director will notify the Complainant and respondent in writing of the extension and the reason for the extension.

1. Written Investigation Report.

Within 14 days after the completion of an investigation, the Investigator will complete a written report of the investigation. The written report will include a summary of the allegations, a description of the investigation, a description of the relevant information gathered, a determination of whether or not the incidents alleged occurred and the specific evidence to support this determination, and whether such incidents constitute discrimination. In determining whether or not the incidents alleged occurred, the Investigator may take into account the following:

- a. The statements made by the parties and all witnesses;
- b. The details and consistency of each person's account;
- c. Evidence of how the respondent reacted to the incident and the Complaint;
- d. The credibility of the evidence presented;
- e. Evidence of any past instances of unlawful discrimination, harassment, or retaliation or other misconduct;
and
- f. Any other information the Investigator finds as relevant.

The decision of whether the incident(s) that occurred constitute prohibited discrimination must be supported by a preponderance of the evidence. A preponderance of the evidence means that the evidence presented shows that one result is more likely, than not, to be true.

2. Determination of Complaint

Within 14 days after the written investigation report is completed. The Institution must determine a response to the Complaint. In reaching a decision as to how to respond, the institution may take into consideration the following:



- a. The report and recommendation of the Investigator;
- b. The effect of the misconduct on the Complainant;
- c. The type, frequency, and duration of the misconduct;
- d. The relationship between the Complainant and respondent;
- e. The number of people engaged in the alleged conduct;
- f. The context of the alleged conduct;
- g. Other incidents of alleged misconduct by the respondent;
- h. Advice of legal counsel or other professionals;
- i. Whether an Optional Informal Resolution Agreement was violated; and
- j. Any other information the office Director deems as relevant.

The decision of whether or not discrimination occurred must be supported by a preponderance of the evidence. If the Institution determines that discrimination, it will take all appropriate steps to prevent the recurrence of the discrimination and to correct the effects on the complainant and others, if appropriate.

Within 14 days after the written report has been completed, the Institution will provide a written notice to the Complainant (Complainant Notice) concerning the outcome of the investigation. The Complainant Notice shall state that an investigation was performed, the outcome of the investigation, and any remedies provided to the Complainant. In order to maintain privacy rights, the Institution is not required to disclose every detail about the nature of any corrective action taken against the respondent. However, for complaints of discrimination, the Complainant Notice will include the consequences imposed on the respondent that relate directly to the subject of the complaint, such as requiring that the respondent stay away from the Complainant, prohibiting the respondent from attending school for a period of time, or transferring the respondent to other classes or another school.

The Complainant Notice shall advise the Complainant that if he or she continues to experience or witness discrimination, he or she should immediately report such incidents to the Investigator.

If the outcome of the investigation is that there was no discrimination, the Complainant Notice will also include the Complainant's right to appeal the decision of the Institution within 10 days of the date of the Complainant Notice. The Complainant Notice will include the procedures for initiating such an appeal.

Within 14 days after the written report has been completed, the Institution will send a separate notice of the outcome to the respondent (Respondent Notice). The respondent notice shall state the outcome of the investigation, whether the allegations were substantiated and what, if any, corrective action will be taken to prevent recurrence of any discrimination and to correct its effects. The respondent will have the opportunity to appeal any finding that he or she engaged in discrimination by filing an appeal within 10 days of the date of the respondent Notice. The respondent Notice will include the procedures for initiating such an appeal.

Should no request for an appeal be initiated within the time to appeal, the decision of the Institution will be final and binding.

III. Appeal Process

To appeal a decision of the Institution, the appealing party must provide written notice ("Notice of Appeal") of his or her intent to appeal within 10 days of the date of the Complainant or respondent Notice. The Notice of Appeal must include the specific reasons for the appeal and any evidence the appealing party would like considered as part of the appeal. Within 3 days of receiving the Notice of Appeal, the Institution will provide notice to the non-appealing party of the appeal and the basis for the appeal. The non-appealing party will have 15 days to respond to the statements in the appeal.

The appeal process will be limited to determining (1) whether the decision as to a finding or no finding of discrimination was supported by a preponderance of evidence; (2) whether the findings of the Investigator as to whether or not the incidents occurred are supported by a preponderance of the evidence; and (3) whether the investigation was conducted in a fair and impartial manner.



The appeal will be decided by the School Director . The School Director will receive and review the Notice of Appeal, a copy of the investigation notes, the written investigation report, and the Complainant and respondent Notices. After the review, the School Director will render a decision.

The written appeal decision by the School Director shall include a summary of the issues raised on appeal, a summary of the evidence considered, a decision as to the appeal, what evidence supports the decision, and what additional remedies, if any, are necessary. The School Director will provide a written appeal decision of its findings to the Complainant, and the respondent, within 60 days of receipt of the Notice of Appeal.

The decision of the School Director, following the appeal is final and will conclude the complaint process.