

**MILAN INSTITUTE
MILAN INSTITUTE OF COSMETOLOGY
OPERATIONS MANUAL**

DEPARTMENT: COMPLIANCE

FUNCTION: NONDISCRIMINATION STATEMENT AND POLICY

POLICY NO: CD-250

EFFECTIVE: 8/14/2024

OVERVIEW

Milan Institute does not discriminate on the basis of sex and prohibits sex discrimination in any education program or activity that it operates, as required by Title IX and its regulations, including in admission and employment.

Milan Institute has adopted grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator, alleging any action that would be prohibited by Title IX or the Title IX regulations.

Inquiries about Title IX may be referred to Milan Institute’s Title IX Coordinator, the U.S. Department of Education’s Office for Civil Rights, or both. The Title IX Coordinator is located at 2345 W. Beech Ave. #4139 Visalia CA 93277, (559 707-8050).

Milan Institute’s nondiscrimination policy and grievance procedures can be located at <https://milaninstitute.edu/student-services/consumer-information-grievance/>

To report information about conduct that may constitute sex discrimination or make a complaint of sex discrimination under Title IX, please refer to <https://milaninstitute.edu/student-services/title-ix-sexual-harassment/>

Complaints:

The following people have a right to make a complaint of sex discrimination, including complaints of sex-based harassment, requesting that Milan Institute investigate and make a determination about alleged discrimination under Title IX:

- A “complainant,” which includes: a student or employee of Milan Institute who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or a person other than a student or employee of Milan Institute who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Milan Institute’s education program or activity;
- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or
- Milan Institute’s Title IX Coordinator.

Note that a person is entitled to make a complaint of sex-based harassment only if they themselves are alleged to have been subjected to the sex-based harassment, if they have a legal right to act on behalf of such person, or if the Title IX Coordinator initiates a complaint consistent with the requirements of 34 C.F.R. § 106.44(f)(1)(v).

With respect to complaints of sex discrimination other than sex-based harassment, in addition to the people listed above, the following persons have a right to make a complaint:

- Any student or employee of Milan Institute; or
- Any person other than a student or employee who was participating or attempting to participate in Milan Institute’s education program or activity at the time of the alleged sex discrimination.

Milan Institute may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Basic Requirements of Title IX Grievance Procedures:

Milan Institute will treat complainants and respondents equitably.

Milan Institute requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. A decisionmaker may be the same person as the Title IX Coordinator or investigator.

Milan Institute presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Milan Institute has established the following timeframes for the major stages of the grievance procedures:

- When the Title IX Coordinator receives a potential complaint, the Investigator must promptly reach out to the Complainant within 3 business days to discuss supportive measures and to provide information on how to file a formal complaint.
- Once a complaint is received by the Coordinator, the Coordinator within 3 business days will complete an initial assessment to determine if the conditions described above are met and the complaint is considered Title IX sex-based discrimination or harassment.
- Title IX Coordinator must provide written notice of all allegations to both the Complainant and Respondent in writing within 3 business days of deciding the complaint meets Title IX requirements.
- Upon completion of the investigation, the Title IX Coordinator will provide an investigative report to both parties at least 10 days before finalizing investigation, allowing both parties the opportunity to provide responsive information.
- The final copy of the entire Investigative Report will be provided to the Complainant, Respondent, and the Adjudicator at least 10 days before a hearing may be held.
- If both parties agree to submit to an informal resolution, the Title IX Appeals Adjudicator will provide written notice to both parties within 5 business days of the decision to participate in the informal resolution process.
- In order to submit an appeal, the party must submit a notice of intent to appeal to the party provided in the Determination of Responsibility communication or Termination of Proceedings communication within 10 business days from the date of the communication.
- The Appeal Adjudicator must notify the other party in writing using the Notice of Appeal communication within 3 business days of the receipt of the appeal.
- Both parties will have 5 business days to submit a written statement in support of, or challenging, the determination.

Milan Institute has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with notice to the parties that includes the reason for the delay:

- Anyone involved in the Title IX process can request an extension of any deadline as part of supportive measures.
- The Title IX Coordinator reviews and approves these extension requests.

Milan Institute will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

Milan Institute will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person’s status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by Milan Institute to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Milan Institute obtains that party’s or witness’s voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Notice of Allegations:

Upon initiation of Milan Institute’s Title IX grievance procedures, the school will notify the parties of the following:

- Milan Institute’s Title IX grievance procedures and any informal resolution process
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex discrimination, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited; and
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an accurate description of this evidence. If Milan Institute provides a description of the evidence: The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.

If, in the course of an investigation, Milan Institute decides to investigate additional allegations of sex discrimination by the respondent toward the complainant that are not included in the notice provided or that are included in a complaint that is consolidated, the school will notify the parties of the additional allegations.

Dismissal of a Complaint:

Milan Institute may dismiss a complaint of sex discrimination if:

- The school is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Milan Institute’s education program or activity and is not employed by Milan Institute
- The complainant voluntarily withdraws any or all of the allegations in the complaint, the Title IX Coordinator declines to initiate a complaint, and Milan Institute determines that, without the complainant’s withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or
- Milan Institute determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the school will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, Milan Institute will promptly notify the complainant of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the school will also notify the respondent of the dismissal and the basis for the dismissal promptly following notification to the complainant, or simultaneously if notification is in writing.

Milan Institute will notify the complainant that a dismissal may be appealed and will provide the complainant with an opportunity to appeal the dismissal of a complaint. If the dismissal occurs after the respondent has been notified of the allegations, then Milan will also notify the respondent that the dismissal may be appealed. Dismissals may be appealed on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If the dismissal is appealed, Milan Institute will:

- Notify the parties of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations
- Provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties of the result of the appeal and the rationale for the result.

When a complaint is dismissed, Milan Institute will, at a minimum:

- Offer supportive measures to the complainant as appropriate
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within Milan Institute's education program or activity.

Investigation:

Milan Institute will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on Milan Institute—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Milan Institute will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

Milan Institute will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Milan Institute will provide each party with an equal opportunity to access the evidence that is relevant to the allegations of sex discrimination and not otherwise impermissible, in the following manner:

- Milan Institute will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or an accurate description of this evidence. If the school provides a description of the evidence: the school will provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party.
- Milan Institute will provide a reasonable opportunity to respond to the evidence or the accurate description of the evidence; and
- Milan Institute will take reasonable steps to prevent and address the parties' unauthorized disclosure of information and evidence obtained solely through the grievance procedures. Disclosures of such information and evidence for purposes of administrative proceedings or litigation related to the complaint of sex discrimination are authorized.

Questioning the Parties and Witnesses:

Milan Institute will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex discrimination.

The Adjudicator will be responsible for setting up the hearing, overseeing the hearing and making the final determination of responsibility. The Adjudicator should also be actively involved in questioning of witnesses. The Adjudicator will also be responsible for determinations on credibility, which may not be based on a person's status as a complainant, respondent, or witness. The Adjudicator may not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege. As a reminder, the presumption that the Respondent is not responsible for the alleged conduct until a determination is made at the end of the grievance process.

Determination Whether Sex Discrimination Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Milan Institute will:

- Use the preponderance of the evidence or, if applicable, standard of proof to determine whether sex discrimination occurred. The standard of proof requires the decisionmaker to evaluate relevant and not otherwise impermissible evidence for its persuasiveness. If the decisionmaker is not persuaded under the applicable standard by the evidence that sex discrimination occurred, whatever the quantity of the evidence is, the decisionmaker will not determine that sex discrimination occurred.
- Notify the parties in writing of the determination whether sex discrimination occurred under Title IX including the rationale for such determination, and the procedures and permissible bases for the complainant and respondent to appeal, if applicable;
- Not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, the Title IX Coordinator will, as appropriate:
 - Coordinate the provision and implementation of remedies to a complainant and other people Milan Institute identifies as having had equal access to the school's education program or activity limited or denied by sex discrimination;
 - Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Milan Institute's education program or activity.
- Comply with the grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred.

Appeal of Determinations, if offered:

Milan Institute offers the following process for appeals from a determination whether sex discrimination occurred:

Either party has the right to appeal a determination of responsibility or the dismissal of a formal complaint. The following are allowable grounds for an appeal:

1. Procedural irregularity that affected outcome of the matter.
2. New evidence that was not reasonably available at the time the determination was made and that could affect the outcome of the matter.
3. The Title IX Coordinator or Adjudicator 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 matter.

In order to submit an appeal, the party must submit a notice of intent to appeal to the party provided in the Determination of Responsibility communication or Termination of Proceedings communication within 10 business days from the date of the communication. The appeal process is managed by the Appeal Adjudicator who must be a different person than the original Adjudicator.

Once a notice to appeal is received, the Appeal Adjudicator must:

1. Notify the other party in writing using the Notice of Appeal communication within 3 business days of the receipt of the appeal;
2. Both parties will have 5 business days to submit a written statement in support of, or challenging, the determination;
3. Issue a written decision describing the result using the Appeal Decision communication; and
4. Provide the written decision simultaneously to both parties.
5. This appeal process will be, at a minimum, the same as Milan Institute offers in all other comparable proceedings, including proceedings relating to other discrimination complaints.

Informal Resolution, if offered:

In lieu of resolving a complaint through Milan Institute’s Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. Milan Institute does not offer informal resolution to resolve a complaint that includes allegations that an employee engaged in sex-based harassment of an elementary school or secondary school student, or when such a process would conflict with Federal, State, or local law.

Supportive Measures:

Milan Institute will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person’s access to the school’s education program or activity or provide support during Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include: counseling, extension of deadlines, course-related adjustments, modifications of work or class schedules, mutual restrictions of contact between parties, changes in work location, leave of absence, increased monitoring of certain areas of campus, academic support in the form of tutoring, providing retraining of sex-based discrimination or harassment training, and providing targeted training for a group of students or employees.

Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, Milan Institute may impose disciplinary sanctions, which may include conduct probation, suspension, or termination. The school may also provide remedies, which may include schedule changes or leave of absence.

Grievance Procedures for Complaints of Sex-Based Harassment Involving Student Complainants or Student Respondents at Postsecondary Institutions

Milan Institute has adopted Title IX grievance procedures that provide for the prompt and equitable resolution of complaints made by students, employees, or other individuals who are participating or attempting to participate in its education program or activity, or by the Title IX Coordinator. These grievance procedures address complaints of sex-based harassment that involve a student party.

Complaints:

The following people have a right to make a complaint of sex-based harassment, requesting that Milan Institute investigate and make a determination about alleged sex-based harassment under Title IX:

- A “complainant,” which includes: a student or employee of Milan Institute who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX; or
- a person other than a student or employee of Milan Institute who is alleged to have been subjected to conduct that could constitute sex discrimination under Title IX at a time when that individual was participating or attempting to participate in Milan Institute’s education program or activity;
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- A parent, guardian, or other authorized legal representative with the legal right to act on behalf of a complainant; or

- Milan Institute's Title IX Coordinator. termination of an informal resolution process), the Title IX Coordinator must determine whether to initiate a complaint of sex discrimination as required under Title IX.

Milan Institute may consolidate complaints of sex discrimination against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, when the allegations of sex discrimination arise out of the same facts or circumstances. When more than one complainant or more than one respondent is involved, references below to a party, complainant, or respondent include the plural, as applicable.

Basic Requirements of Title IX Grievance Procedures:

Milan Institute will treat complainants and respondents equitably.

Milan Institute requires that any Title IX Coordinator, investigator, or decisionmaker not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. As long as there is no conflict of interest or bias, a decisionmaker may be the same person as the Title IX Coordinator or investigator.

Milan Institute presumes that the respondent is not responsible for the alleged sex discrimination until a determination is made at the conclusion of its grievance procedures.

Milan Institute has established the following timeframes for the major stages of the grievance procedures:

- When the Title IX Coordinator receives a potential complaint, the Investigator must promptly reach out to the Complainant within 3 business days to discuss supportive measures and to provide information on how to file a formal complaint.
- Once a complaint is received by the Coordinator, the Coordinator within 3 business days will complete an initial assessment to determine if the conditions described above are met and the complaint is considered Title IX sex-based discrimination or harassment.
- Title IX Coordinator must provide written notice of all allegations to both the Complainant and Respondent in writing within 3 business days of deciding the complaint meets Title IX requirements.
- Upon completion of the investigation, the Title IX Coordinator will provide an investigative report to both parties at least 10 days before finalizing investigation, allowing both parties the opportunity to provide responsive information.
- The final copy of the entire Investigative Report will be provided to the Complainant, Respondent, and the Adjudicator at least 10 days before a hearing may be held.
- If both parties agree to submit to an informal resolution, the Title IX Appeals Adjudicator will provide written notice to both parties within 5 business days of the decision to participate in the informal resolution process.
- In order to submit an appeal, the party must submit a notice of intent to appeal to the party provided in the Determination of Responsibility communication or Termination of Proceedings communication within 10 business days from the date of the communication.
- The Appeal Adjudicator must notify the other party in writing using the Notice of Appeal communication within 3 business days of the receipt of the appeal.
- Both parties will have 5 business days to submit a written statement in support of, or challenging, the determination.

Milan Institute has also established the following process that allows for the reasonable extension of timeframes on a case-by-case basis for good cause with written notice of any extension to the parties that includes the reason for the delay:

- Anyone involved in the Title IX process can request an extension of any deadline as part of supportive measures.
- The Title IX Coordinator reviews and approves these extension requests.

Milan Institute will take reasonable steps to protect the privacy of the parties and witnesses during its grievance procedures. These steps will not restrict the ability of the parties to obtain and present evidence, including by speaking to witnesses; consult with their family members, confidential resources, or advisors; or otherwise prepare for or participate in the grievance procedures. The parties cannot engage in retaliation, including against witnesses.

Milan Institute will objectively evaluate all evidence that is relevant and not otherwise impermissible—including both inculpatory and exculpatory evidence. Credibility determinations will not be based on a person’s status as a complainant, respondent, or witness.

The following types of evidence, and questions seeking that evidence, are impermissible (*i.e.*, will not be accessed or considered, except by Milan Institute to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- Evidence that is protected under a privilege recognized by Federal or State law or evidence provided to a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- A party’s or witness’s records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the party or witness, unless Milan Institute obtains that party’s or witness’s voluntary, written consent for use in its grievance procedures; and
- Evidence that relates to the complainant’s sexual interests or prior sexual conduct, unless evidence about the complainant’s prior sexual conduct is offered to prove that someone other than the respondent committed the alleged conduct or is evidence about specific incidents of the complainant’s prior sexual conduct with the respondent that is offered to prove consent to the alleged sex-based harassment. The fact of prior consensual sexual conduct between the complainant and respondent does not by itself demonstrate or imply the complainant’s consent to the alleged sex-based harassment or preclude determination that sex-based harassment occurred.

Written Notice of Allegations:

Upon initiation of these Title IX grievance procedures, Milan Institute will notify the parties in writing of the following with sufficient time for the parties to prepare a response before any initial interview:

- Milan Institute’s Title IX grievance procedures and any informal resolution process;
- Sufficient information available at the time to allow the parties to respond to the allegations, including the identities of the parties involved in the incident(s), the conduct alleged to constitute sex-based harassment, and the date(s) and location(s) of the alleged incident(s);
- Retaliation is prohibited;
- The respondent is presumed not responsible for the alleged sex-based harassment until a determination is made at the conclusion of the grievance procedures. Prior to such a determination, the parties will have an opportunity to present relevant and not otherwise impermissible evidence to a trained, impartial decisionmaker;
- The parties may have an advisor of their choice who may be, but is not required to be, an attorney;
- The parties are entitled to an equal opportunity to access the relevant and not otherwise impermissible evidence or an investigative report that accurately summarizes this evidence. If Milan Institute provides access to an investigative report: The parties are entitled to an equal opportunity to access the relevant and not impermissible evidence upon the request of any party; and
- If Milan Institute’s Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during grievance procedures, include the following: INSERT it here Section [XX] of Milan Institute’s Code of Conduct prohibits knowingly making false statements or knowingly submitting false information during the grievance procedures.

If, in the course of an investigation, Milan Institute decides to investigate additional allegations of sex-based harassment by the respondent toward the complainant that are not included in the written notice or that are included in a consolidated complaint, it will provide written notice of the additional allegations to the parties.

Dismissal of a Complaint:

Milan Institute may dismiss a complaint if:

- Milan Institute is unable to identify the respondent after taking reasonable steps to do so;
- The respondent is not participating in Milan Institute’s education program or activity and is not employed by the school.
- Milan Institute obtains the complainant’s voluntary withdrawal in writing of any or all of the allegations, the Title IX Coordinator declines to initiate a complaint, and the school determines that, without the complainant’s withdrawn allegations, the conduct that remains alleged in the complaint, if any, would not constitute sex discrimination under Title IX even if proven; or

- Milan Institute determines the conduct alleged in the complaint, even if proven, would not constitute sex discrimination under Title IX. Before dismissing the complaint, the school will make reasonable efforts to clarify the allegations with the complainant.

Upon dismissal, Milan Institute will promptly notify the complainant in writing of the basis for the dismissal. If the dismissal occurs after the respondent has been notified of the allegations, then the school will notify the parties simultaneously in writing.

Milan Institute will notify the complainant that a dismissal may be appealed on the bases outlined in the *Appeals* section. If dismissal occurs after the respondent has been notified of the allegations, then the school will also notify the respondent that the dismissal may be appealed on the same bases. If a dismissal is appealed, Milan Institute will follow the procedures outlined in the *Appeals* section.

When a complaint is dismissed, Milan Institute will, at a minimum:

- Offer supportive measures to the complainant as appropriate.
- If the respondent has been notified of the allegations, offer supportive measures to the respondent as appropriate; and
- Take other prompt and effective steps, as appropriate, through the Title IX Coordinator to ensure that sex discrimination does not continue or recur within the school's education program or activity.

Investigation:

Milan Institute will provide for adequate, reliable, and impartial investigation of complaints.

The burden is on the school—not on the parties—to conduct an investigation that gathers sufficient evidence to determine whether sex discrimination occurred.

Milan Institute will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all meetings or proceedings with sufficient time for the party to prepare to participate.

Milan Institute will provide the parties with the same opportunities to be accompanied to any meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.

- Milan Institute will not limit the choice or presence of the advisor for the complainant or respondent in any meeting or proceeding.
- Milan Institute may establish restrictions regarding the extent to which the advisor may participate in these grievance procedures, as long as the restrictions apply equally to the parties.

Milan Institute will provide the parties with the same opportunities, if any, to have people other than the advisor of the parties' choice present during any meeting or proceeding.

Milan Institute will provide an equal opportunity for the parties to present fact witnesses and other inculpatory and exculpatory evidence that are relevant and not otherwise impermissible.

Milan Institute will review all evidence gathered through the investigation and determine what evidence is relevant and what evidence is impermissible regardless of relevance.

Milan Institute will provide each party and the party's advisor, if any, with an equal opportunity to access the evidence that is relevant to the allegations of sex-based harassment and not otherwise impermissible, in the following manner:

- Milan Institute will provide an equal opportunity to access either the relevant and not otherwise impermissible evidence, or the same written investigative report that accurately summarizes this evidence. If the school provides access to an investigative report: the school will further provide the parties with an equal opportunity to access the relevant and not otherwise impermissible evidence upon the request of any party
- Milan Institute will provide a reasonable opportunity to review and respond to the evidence or the investigative report. If the school conducts a live hearing as part of its grievance procedures, it will provide this opportunity to review the evidence in advance of the live hearing. The school may decide whether to provide this opportunity to respond prior to the live hearing, during the live hearing, or both prior to and during the live hearing and
- Milan Institute will take reasonable steps to prevent and address the parties' and their advisors' unauthorized disclosure of information and evidence obtained solely through the sex-based harassment grievance procedures.

Questioning the Parties and Witnesses:

Milan Institute will provide a process that enables the decisionmaker to question parties and witnesses to adequately assess a party's or witness's credibility to the extent credibility is both in dispute and relevant to evaluating one or more allegations of sex-based harassment.

When Milan Institute chooses not to conduct a live hearing: the school's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will:

- Allow the investigator or decisionmaker to ask such questions during individual meetings with a party or witness;
- Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the investigator or decisionmaker during one or more individual meetings, including follow-up meetings, with a party or witness, subject to the procedures for evaluating and limiting questions discussed below; and
- Provide each party with an audio or audiovisual recording or transcript with enough time for the party to have a reasonable opportunity to propose follow-up questions.
- When Milan Institute chooses to conduct a live hearing: the school's process for proposing and asking relevant and not otherwise impermissible questions and follow-up questions of parties and witnesses, including questions challenging credibility, will allow the decisionmaker to ask such questions, and either:
 - Allow each party to propose such questions that the party wants asked of any party or witness and have those questions asked by the decisionmaker, subject to the procedures for evaluating and limiting questions discussed below; or
 - Allow each party's advisor to ask any party or witness such questions, subject to the procedures for evaluating and limiting questions discussed below. Such questioning will never be conducted by a party personally. If Milan Institute permits advisor-conducted questioning and a party does not have an advisor to ask questions on their behalf, the school will provide the party with an advisor of the school's choice, without charge to the party, for the purpose of advisor-conducted questioning. In those instances, Milan Institute will not appoint a confidential employee and may appoint, but is not required to appoint, an attorney to serve as an advisor.

Procedures for the decisionmaker to evaluate the questions and limitations on questions: The decisionmaker will determine whether a proposed question is relevant and not otherwise impermissible before the question is posed and will explain any decision to exclude a question as not relevant or otherwise impermissible. Questions that are unclear or harassing of the party or witness being questioned will not be permitted. The decisionmaker will give a party an opportunity to clarify or revise a question that the decisionmaker determines is unclear or harassing. If the party sufficiently clarifies or revises the question, the question will be asked.

Refusal to respond to questions and inferences based on refusal to respond to questions: The decisionmaker may choose to place less or no weight upon statements by a party or witness who refuses to respond to questions deemed relevant and not impermissible. The decisionmaker will not draw an inference about whether sex-based harassment occurred based solely on a party's or witness's refusal to respond to such questions.

Procedures for a Live Hearing, if offered

Milan Institute will conduct the live hearing with the parties physically present in the same geographic location or, at the school's discretion or upon the request of either party, will conduct the live hearing with the parties physically present in separate locations with technology enabling the decisionmaker and parties to simultaneously see and hear the party or witness while that person is speaking.

Milan Institute will create an audio or audiovisual recording or transcript of any live hearing and make it available to the parties for inspection and review.

Determination Whether Sex-Based Harassment Occurred:

Following an investigation and evaluation of all relevant and not otherwise impermissible evidence, Milan Institute will:

- Use the preponderance of the evidence or, if applicable, notify the parties simultaneously in writing of the determination whether sex-based harassment occurred under Title IX including: A description of the alleged sex-based harassment;
- Information about the policies and procedures that Milan Institute used to evaluate the allegations;
- The decisionmaker's evaluation of the relevant and not otherwise impermissible evidence and determination whether sex-based harassment occurred;
- When the decisionmaker finds that sex-based harassment occurred, any disciplinary sanctions Milan Institute will impose on the respondent, whether remedies other than the imposition of disciplinary sanctions will be provided by the school to the complainant, and, to the extent appropriate, other students identified by the school to be experiencing the effects of the sex-based harassment; and
- Milan Institute's procedures and permissible bases for the complainant and respondent to appeal.
- Milan Institute will not impose discipline on a respondent for sex discrimination prohibited by Title IX unless there is a determination at the conclusion of the Title IX grievance procedures that the respondent engaged in prohibited sex discrimination.
- If there is a determination that sex discrimination occurred, as appropriate, the Title IX Coordinator will: Coordinate the provision and implementation of remedies to a complainant and other people the school identifies as having had equal access to the school's education program or activity limited or denied by sex discrimination;
- Coordinate the imposition of any disciplinary sanctions on a respondent, including notification to the complainant of any such disciplinary sanctions; and
- Take other appropriate prompt and effective steps to ensure that sex discrimination does not continue or recur within Milan Institute's education program or activity.
- Comply with the Title IX grievance procedures before the imposition of any disciplinary sanctions against a respondent; and
- Not discipline a party, witness, or others participating in the Title IX grievance procedures for making a false statement or for engaging in consensual sexual conduct based solely on the determination whether sex discrimination occurred. The determination regarding responsibility becomes final either on the date that Milan Institute provides the parties with the written determination of the result of any appeal, or, if no party appeals, the date on which an appeal would no longer be considered timely.

Appeals:

Milan Institute will offer an appeal from a dismissal or determination whether sex-based harassment occurred on the following bases:

- Procedural irregularity that would change the outcome;
- New evidence that would change the outcome and that was not reasonably available when the determination or dismissal was made; and
- The Title IX Coordinator, investigator, or decisionmaker had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that would change the outcome.

If a party appeals a dismissal or determination whether sex-based harassment occurred, Milan Institute will:

- Notify the parties in writing of any appeal, including notice of the allegations, if notice was not previously provided to the respondent;
- Implement appeal procedures equally for the parties;
- Ensure that the decisionmaker for the appeal did not take part in an investigation of the allegations or dismissal of the complaint;
- Ensure that the decisionmaker for the appeal has been trained consistent with the Title IX regulations;
- Communicate to the parties in writing that Milan Institute will provide the parties a reasonable and equal opportunity to make a statement in support of, or challenging, the outcome; and
- Notify the parties in writing of the result of the appeal and the rationale for the result.

Any additional procedures or bases for appeal Milan Institute offers will be equally available to all parties.

Informal Resolution, if offered:

In lieu of resolving a complaint through Milan Institute's Title IX grievance procedures, the parties may instead elect to participate in an informal resolution process. Milan Institute will inform the parties in writing of any informal resolution process it offers and determines is appropriate, if any. Milan Institute will not offer informal resolution to resolve a complaint when such a process would conflict with Federal, State, or local law. Before the initiation of an informal resolution process, Milan Institute will explain in writing to the parties:

- The allegations;
- The requirements of the informal resolution process;
- That any party has the right to withdraw from the informal resolution process and initiate or resume grievance procedures at any time before agreeing to a resolution;
- That if the parties agree to a resolution at the end of the informal resolution process, they cannot initiate or resume grievance procedures arising from the same allegations;
- The potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the parties; and
- What information Milan Institute will maintain and whether and how the school could disclose such information for use in Title IX grievance procedures if such procedures are initiated or resumed.

Supportive Measures:

Milan Institute will offer and coordinate supportive measures as appropriate for the complainant and/or respondent to restore or preserve that person's access to the school's education program or activity or provide support during Title IX grievance procedures or during the informal resolution process. For complaints of sex-based harassment, these supportive measures may include: counseling, extension of deadlines, course-related adjustments, modifications of work or class schedules, mutual restrictions of contact between parties, changes in work location, leave of absence, increased monitoring of certain areas of campus, academic support in the form of tutoring, providing retraining of sex-based discrimination or harassment training, and providing targeted training for a group of students or employees.

Disciplinary Sanctions and Remedies:

Following a determination that sex-based harassment occurred, Milan Institute may impose disciplinary sanctions, which may include conduct probation, suspension, or termination. The school may also provide remedies, which may include schedule changes or leave of absence.

Title IX

Inquires about Title IX may be referred to the Title IX Coordinator, OCR, or both.

The Title IX Coordinator for Milan Institute and Milan Institute of Cosmetology can be reached at:

Address: Title IX Coordinator
Milan Institute
2345 W. Beech Ave. #4139
Visalia, CA 93277

Email: TitleIX@milaninstitute.edu

Phone: 559-707-8050

The OCR can be reached at <https://www2.ed.gov/about/offices/list/ocr/index.html>

Students with Disabilities

Milan is committed to providing reasonable accommodations, including appropriate auxiliary aids and services, to qualified individuals with a disability, unless providing such accommodations would result in an undue burden or fundamentally alter the nature of the programs offered by Milan.

Students requesting auxiliary aid and services must submit an Application for Auxiliary Aid, including supporting documentation, to the School Director. An application for Auxiliary Aid may be requested from the School Director or Director of Education. Applications must be submitted at least two weeks before classes commence, or as soon as possible. Supporting documentation must be in the form of a documented physical, medical, or psychological condition which has been verified by a professional. Delays in submission of all required documentation will delay a decision regarding the request for accommodation.

Decisions are made to grant or deny requests for accommodations within ten (10) business days of receipt of all requested documentation. Disagreements regarding an appropriate auxiliary aid and alleged violations of this policy should be directed to the Corporate Compliance department by filing an online complaint at <https://milaninstitute.edu/student-complaint-form/>

Other issues

Any other issues related to nondiscrimination policies and complaints of discrimination should be directed to the School Director or the Corporate Compliance Department. The School Director maintains an office on campus. He/she may be contacted by visiting the campus or via telephone (Complete campus contact information is provided on page 1 of the catalog). To reach the Corporate Compliance Department, please complete the Student Complaint form at <https://milaninstitute.edu/student-complaint-form> and a member of the department will respond via email.

For further information on notice of non-discrimination, visit <http://wdcrobcolp01.ed.gov/CFAPPS/OCR/contactus.cfm> for the address and phone number of the office that serves your area, or call 1-800-421-3481.