



POLICY AGAINST SEXUAL HARASSMENT AND OTHER UNLAWFUL DISCRIMINATION, HARASSMENT, AND RETALIATION

Introduction

It is the policy of Brittany Beauty Academy to maintain a work and academic environment that is free of sexual harassment and harassment and discriminatory actions against applicants, employees and students based on any legally-recognized status, including, but not limited to: race, color, age (40 and over), sex, gender identity or expression, sexual orientation, religion, ethnic or national origin or ancestry, physical or mental disability, HIV testing, genetic information (including testing and characteristics), pregnancy (including lactation, childbirth or related medical conditions), veterans' status, membership in uniformed services, certain criminal records, a personal admission to a facility for the care and treatment of a mentally ill person, requesting and/or taking of parental leave or any other protected status under applicable local, state or federal law. Persons who violate this policy will be subject to disciplinary action up to and including termination of employment, suspension, and/or expulsion.

Unlawful Discrimination and Sexual Harassment

Unlawful Discrimination against an employee, applicant or student is strictly prohibited by Brittany Beauty Academy and will not be tolerated. Treating an employee/applicant/student differently in the terms or conditions of his or her employment/education on the basis of the following legally protected characteristics: race, color, age (40 and over), sex, gender identity or expression, sexual orientation, religion, ethnic or national origin or ancestry, physical or mental disability, HIV testing, genetic information (including testing and characteristics), pregnancy (including lactation, childbirth or related medical conditions), veterans' status, membership in uniformed services, certain criminal records, a personal admission to a facility for the care and treatment of a mentally ill person, requesting and/or taking of parental leave or any other protected status under applicable local, state or federal law.

Harassment – Sexual and Unlawful Harassment

Brittany Beauty Academy is committed to providing a work environment that is free of harassment. As a result, Brittany Beauty Academy maintains a strict policy prohibiting sexual harassment and harassment against applicants, employees and students based on any legally-recognized status, including, but not limited to: race, color, age (40 and over), sex, gender identity or expression, sexual orientation, religion, ethnic or national origin or ancestry, physical or mental disability, HIV testing, genetic information (including testing and characteristics), pregnancy (including lactation, childbirth or related medical conditions), veterans' status, membership in uniformed services, certain criminal records, a personal admission to a facility for the care and treatment of a mentally ill person, requesting and/or taking of parental leave or any other protected status under applicable local, state or federal law.

29 W 36th Street, 2nd Floor
New York, NY 10018
212-868-7171

375 86th Street
Brooklyn, NY 11209
718-745-1000

3274 Hempstead Turnpike
Levittown, NY 11756
516-731-8300

210 E 188th Street
Bronx, NY 10458
718-220-0400

Brittany Beauty Academy's anti-harassment policy applies to all persons involved in its operations, regardless of their position, and prohibits harassing conduct by any employee of Brittany Beauty Academy, including supervisors, managers and nonsupervisory employees. This policy also protects employees from prohibited harassment by third parties, such as customers, vendors, clients, visitors, or temporary or seasonal workers. If such harassment occurs in the workplace by someone not employed by Brittany Beauty Academy, the procedures in this policy should be followed. The workplace includes: actual worksites, any setting in which work-related business is being conducted (whether during or after normal business hours), Brittany Beauty Academy sponsored events, or Brittany Beauty Academy owned/controlled property.

Sexual Harassment Defined

Conduct prohibited by this sexual harassment policy includes unwanted sexual advances, requests for sexual favors or visual, verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made a term or condition of employment; or
- Submission to, or rejection of, such conduct is used as a basis for employment decisions affecting the individual; or
- Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile or offensive working environment.

This sexual harassment policy prohibits various forms of offensive behavior based on sex. The following is a non-exhaustive list of the types of conduct prohibited by this policy:

- Unwanted sexual advances or propositions (including repeated and unwelcome requests for dates);
- Offers of employment benefits in exchange for sexual favors;
- Making or threatening reprisals after a negative response to sexual advances;
- Visual conduct: leering, making sexual gestures, displaying of sexually suggestive objects or pictures, cartoons, posters, websites, emails or text messages;
- Verbal conduct: making or using sexually derogatory comments, innuendos, epithets, slurs, sexually explicit jokes, or comments about an individual's body or dress, whistling or making suggestive or insulting sounds;
- Verbal and/or written abuse of a sexual nature, graphic verbal and/or written sexually degrading commentary about an individual's body or dress, sexually suggestive or obscene letters, notes, invitations, emails, text messages, tweets or other social media postings;
- Physical conduct: touching, assault or impeding or blocking normal movements;
- Retaliation for making reports or threatening to report sexual harassment.

Other Types of Harassment

Harassment on the basis of any legally protected status is prohibited, including harassment based on: race, color, age (40 and over), sex, gender identity or expression, sexual orientation, religion, ethnic or national origin or ancestry, physical or mental disability, HIV testing, genetic information (including testing and characteristics), pregnancy (including lactation, childbirth or related medical conditions), veterans' status, membership in uniformed services, certain criminal records, a personal admission to a facility for the care and treatment of a mentally ill person, requesting and/or taking of parental leave or any other protected status under applicable local, state or federal law.

29 W 36th Street, 2nd Floor
New York, NY 10018
212-868-7171

375 86th Street
Brooklyn, NY 11209
718-745-1000

3274 Hempstead Turnpike
Levittown, NY 11756
516-731-8300

210 E 188th Street
Bronx, NY 10458
718-220-0400

Harassment prohibited by this policy may include behavior like the illustrations above pertaining to sexual harassment. It also includes, but is not limited to:

- Verbal conduct including taunting, jokes, threats, epithets, derogatory comments or slurs based on an individual's protected status;
- Visual and/or written conduct including derogatory posters, photographs, calendars, cartoons, drawings, websites, emails, text messages social media posts or gestures based on an individual's protected status; and
- Physical conduct including assault, unwanted touching or blocking normal movement because of an individual's protected status.

Manager's Responsibility

All supervisors and managers are responsible for:

- Implementing this policy, which includes, but is not limited to, taking steps to prevent harassment and retaliation;
- Ensuring that all employees under their supervision have knowledge of and understand this policy;
- Promptly reporting any complaints to the Director of Nondiscrimination Initiatives and Title IX Coordinator/ADA 504 Coordinator or to Human Resources so they may be investigated and resolved in timely manner;
- Taking and/or assisting in prompt and appropriate corrective action when necessary to ensure compliance with this policy; and
- Conducting themselves, at all times, in a manner consistent with this policy.

Failure to meet these responsibilities may lead to disciplinary action, up to and including termination.

No Retaliation for Filing A Complaint of Sexual Harassment or Unlawful Discrimination Good Faith

The initiation of a good faith complaint of harassment or retaliation will not be grounds for disciplinary action, even if the allegations cannot be substantiated. Any individual who makes a complaint that is demonstrated to be intentionally false may be subject to discipline, up to and including termination.

Support for Individuals Impacted by Harassment or Retaliation

Brittany Beauty Academy will strive to assist anyone who has been subjected to unwelcome harassment or retaliation to feel more comfortable in the work environment. Such assistance may, but does not necessarily include, transfer or reassignment. Any such assistance is at Brittany Beauty Academy's sole discretion.

No Retaliation

Retaliation against any individual for making a complaint of sexual harassment or of any unlawful discrimination or for reporting sexual harassment or unlawful discrimination, or for participating and/or cooperating in the investigation of such a complaint is unlawful and will not be tolerated. Any acts of retaliation will be subject to appropriate disciplinary action, such as but not limited to reprimand, change in work assignment, loss of privileges, mandatory training or suspension and/or immediate termination.

29 W 36th Street, 2nd Floor
New York, NY 10018
212-868-7171

375 86th Street
Brooklyn, NY 11209
718-745-1000

3274 Hempstead Turnpike
Levittown, NY 11756
516-731-8300

210 E 188th Street
Bronx, NY 10458
718-220-0400

Brittany Beauty Academy also will not discriminate or retaliate against an employee because the employee provided evidence in connection with a claim for unemployment benefits or testified at any unemployment hearing.

Employee and Student Responsibilities

Each employee, administrator, and student of Brittany Beauty Academy is personally responsible for ensuring that his or her conduct does not sexually harass, unlawfully discriminate or retaliate against anyone in Brittany Beauty Academy community. Each employee, administrator, and student is responsible for cooperating in any investigation of alleged sexual harassment or unlawful discrimination if requested to do so by the person conducting the investigation unless cooperation is voluntary.

Any person who observes an incident that may constitute sexual harassment, unlawful discrimination or retaliation or who otherwise becomes aware of such an incident should immediately notify the Title IX Coordinator by calling 877-227-2434 ext. 6 or email titleix@brittanyacademy.edu.

Procedures for Addressing Complaints Regarding Violations of This Policy

When Brittany Beauty Academy receives any complaint of harassment it will be investigated in a timely, objective and expeditious manner. Brittany Beauty Academy will make every effort to proceed in such a way as to maintain confidentiality to the extent practicable under the circumstances in accordance with applicable law. If it is determined that conduct prohibited by this policy has occurred Brittany Beauty Academy will act promptly to eliminate the offending conduct, and where appropriate we will also impose disciplinary action up to and including termination.

Procedure

If an individual believes that s/he has been subjected to discrimination or sexual or other harassment or retaliation prohibited by this policy, whether by a supervisor, a co-worker, employee, student, vendor, contractor or any other person with whom s/he comes in contact at Brittany Beauty Academy, the individual should report the incident promptly to the Title IX Coordinator by calling 877-227-2434 ext. 6 or email titleix@brittanyacademy.edu. Employees are not required to make a report to their own supervisor. Any person who receives a complaint of sexual harassment or discrimination from an employee or student, or who otherwise knows or has reason to believe that an employee or student has been subjected to sexual harassment or discrimination, is expected to report the incident promptly Title IX Coordinator.

The following is an outline of the procedure generally followed once a complaint has been brought to the attention of Brittany Beauty Academy:

- A timely, impartial and efficient investigation of the complaint is conducted by the Title IX Coordinator or other investigator designated by Brittany Beauty Academy. The investigation will consist of (but will not necessarily be limited to) interviews of the individual who made the complaint, of the person or persons against whom the complaint was made and of other individuals who may have witnessed the reported incident or incidents.
- The investigator(s) will submit findings to a trained individual designated by the Title IX Coordinator for determination of responsibility, based on a preponderance of the evidence

29 W 36th Street, 2nd Floor
New York, NY 10018
212-868-7171

375 86th Street
Brooklyn, NY 11209
718-745-1000

3274 Hempstead Turnpike
Levittown, NY 11756
516-731-8300

210 E 188th Street
Bronx, NY 10458
718-220-0400

standard, and for determination of any sanctions/remedies. Where possible, the designee will not be the same person who served as the investigator and will typically be the Provost for cases where the responding party is a faculty member and Human Resources where the responding party is a staff member. The responding party and reporting party will receive simultaneous written notice of the outcome.

Disciplinary Action

In the event that the investigation reveals that sexual harassment, discrimination, retaliation or other prohibited or otherwise unprofessional conduct has occurred, further action will be taken, including disciplinary action, such as but not limited to reprimand, change in work assignment, loss of privileges, mandatory training or suspension and/or immediate termination. Even where conduct does not actually rise to the level to be considered unlawful or to violate rules, Brittany Beauty Academy may nevertheless take action if Brittany Beauty Academy would like the individual to refrain from future such conduct.

Confidentiality

All actions taken to investigate and resolve complaints through this procedure shall be conducted with as much privacy and discretion as possible without compromising the thoroughness and of an impartial investigation. All persons involved are to maintain the privacy of those involved to the extent possible in accordance with the law. To conduct a thorough investigation, the Investigator(s) may discuss the complaint with witnesses and those persons involved in or affected by the complaint, and those persons necessary to assist in the investigation or to implement appropriate disciplinary actions.

State, Local, and Federal Agencies

To initiate a criminal investigation, reports of sexual violence should be made to “911” or local law enforcement. The criminal process is separate from the School’s disciplinary process. To the extent that an employee, contract worker, or student is not satisfied with the School’s handling of the harassment or discrimination complaint, he or she may file a formal complaint with either or both government agencies set forth below. Using Brittany Beauty Academy’s complaint process does not prohibit an employee or student from filing a complaint with these agencies. Complaints filed with the EEOC must be filed within 300 days of the incident giving rise to the claim.

1. The United States Equal Employment Opportunity Commission (“EEOC”), John F. Kennedy Federal Building, 475 Government Center Boston, MA 02203, telephone number (617) 565 3200 or (800) 669-4000.
2. U.S. Department of Education, Office for Civil Rights, 5 Post Office Square, 8th Floor, Boston, MA 02109-3921, telephone number (617) 289-0111, facsimile: (617) 289-0150
3. NYS Division of Human Rights, telephone number (888) 392-3644, complaints@dhr.ny.gov, or fax (718) 741-8322.

29 W 36th Street, 2nd Floor
New York, NY 10018
212-868-7171

375 86th Street
Brooklyn, NY 11209
718-745-1000

3274 Hempstead Turnpike
Levittown, NY 11756
516-731-8300

210 E 188th Street
Bronx, NY 10458
718-220-0400