



## **Sexual Misconduct Policy**

### **TITLE IX**

#### **(Violence Against Women's Act)**

##### **Statement regarding sexual discrimination prohibition.**

It is the policy of Mr. John's School of Cosmetology to provide an educational environment free of all forms of, sexual misconduct and sex discrimination, including but not limited to unwelcoming sexual advances, requests for sexual favors, and other verbal or physical conduct or communications constituting sexual harassment, as defined in this Policy and as otherwise prohibited by state and federal statutes.

Sexual harassment, including acts of sexual assault and sexual violence, is a form of sex discrimination and is prohibited by the policies of Mr. John's as well as state and federal laws.

This prohibition against discrimination on the basis of sex applies to all students, faculty, and staff as well as vendors doing business or providing services to the school.

##### **Statement of school's commitment to address sexual misconduct.**

Mr. John's School of Cosmetology takes all allegations of sexual misconduct seriously and is committed to providing information, education, resources, support, interim measures, and clear direction to our students, staff and community to prevent and address such conduct.

Mr. John's will immediately respond to any report of sexual misconduct that we become aware of by reporting the incident to the appropriate authorities and documenting such conduct in order to ensure that such actions do not continue and to prevent any future misconduct. Mr. John's will also ensure that any conduct that may cause a hostile environment or any effects on its campus to be

immediately addressed with all staff and students so that they are protected from any effects that has come from the reporting of such crimes.

### **Scope of the Policy**

This policy prohibiting sexual misconduct\* includes all employees, personnel, adult students, high school vocational students, prospective students, all clients, and any other third party contractors or vendors conducting business at Mr. Johns School of Cosmetology at any campus regardless of sexual orientation, gender identity, race, or creed.

The areas included in the scope of this policy are: the main campus buildings, main parking lots, adjacent parking lot located south of the Currency Exchange on the Decatur campus, and the rear parking area located behind the main building of the Jacksonville campus. This also includes the public sidewalks and one half of the road surrounding the campus and parking lots, in addition to the adjoining alleys. Also included, are locations of any marketing and educational outings at all off campus events that are participated by any employee and/or students.

Mr. John's sexual misconduct policy applies to all programs offered, and to all activities participated in or for Mr. John's School of Cosmetology. This policy also covers any and all relationships that the school may be directly or indirectly involved in.

*\*See Definition section for full scope of conduct prohibited.*

### **Confidentiality**

Mr. John's policy is intended to make students aware of the various reporting and confidential disclosure options available to them so they can make informed choices about where to turn should they become a victim of sexual misconduct.

Mr. John's encourages victims to talk to someone identified in one or more of these groups:

#### **Privileged and Confidential Communications**

- **Professional and Pastoral Counselors.**

Professional, licensed counselors and pastoral counselors who provide mental health counseling to members of the community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim's permission. Following is the contact information for a local professional counselor.

**Growing Strong Sexual Assault Center**  
**217-428-0770 (24 hr. hotline)**  
**270 W. Prairie St. Decatur, IL. 62523**  
**[www.growingstrongcenter.org](http://www.growingstrongcenter.org)**

**Prairie Center Against Sexual Assault**  
**2001 W. Lafayette**  
**Jacksonville, IL. 62650**  
**217-243-7330**  
**217-753-8081 (24 hr. hotline)**  
**[www.prairiecasa.org](http://www.prairiecasa.org)**

- **Non-professional Counselors and Advocates**

Individuals who work on the campus include: administrators, front desk staff, and instructors who can generally talk to a victim without revealing any personally identifying information about an incident that has occurred at Mr. John's School.

A victim can seek assistance and support from these individuals without triggering a college investigation that could reveal the victim's identity or that the victim has disclosed the incident. **While maintaining a victim's confidentiality, these individuals should report the nature, date, time, and general location of an incident to the Title IX Coordinator that is further identified in this policy.**

This limited report –which includes no information that would directly or indirectly identify the victim–helps keep the Title IX Coordinator informed of the general extent and nature of sexual misconduct on and off campus so the coordinator can track patterns, evaluate the scope of the problem, and formulate appropriate campus-wide responses. Before reporting any information to the Title IX Coordinator, these individuals will consult with the victim to ensure that no personally identifying details are shared with the Title IX Coordinator.

NOTE: While these professional and non-professional counselors and advocates may maintain a victim's confidentiality, they may have reporting or other obligations under state law such as mandatory reporting to law enforcement in cases of minors, imminent harm to self or others, or as a requirement for testifying in a court of law.

ALSO NOTE: If Mr. Johns Title IX coordinator determines that the alleged perpetrator poses a serious or immediate threat to the public he/she may be called upon to issue a timely warning to the community. Any such warning will not include any information that identifies the victim.

**Luke Stout – Title IX Coordinator for Decatur, IL. Campus**

**Shelly Mansfield – Title IX Coordinator for Jacksonville, IL. Campus**

Employees will not pressure a victim to request confidentiality, but will honor and support the victim's wishes, including for the college to fully investigate an incident. By the same token, employees will not pressure a victim to make a full report if the victim is not ready to. If a victim discloses an incident to an employee but wishes to maintain confidentiality, requests no investigation, or chooses for there to be no disciplinary action taken, Mr. John's must weigh that request against the college's obligation to provide a safe, non-discriminatory environment for all students, including the victim.

### **Options for Immediate Assistance**

**1. Growing Strong Sexual Assault Center**

270 W. Prairie St. Decatur, IL. 62523

217-428-0770 (24 hour hotline)

**2. Prairie Center Against Sexual Assault Center -**

2001 W. Lafayette

Jacksonville, IL. 62650

217-753-8081 (24 hr. hotline)

**3. Title IV Coordinator**

- **Luke Stout – Decatur, IL. Campus**

Business Hours – 217-423-8173 Ext 4

After Hours – 217-412-5515

- **Shelly Mansfield – Jacksonville, IL. Campus**  
Business Hours – 217-243-1744  
After Hours – 217-620-6367

**1. Decatur Police Department – 217-424-2711 (Non-Emergency)**

**2. Emergency Police, Fire, Ambulance - 911**

Any of these contacts above can assist in obtaining resources to help deal with incidents involving sexual misconduct, assist in explaining the reporting process options if desired, and help to navigate through the process.

**Local Area Hospitals/Clinics**

**1. Decatur Memorial Hospital: 217-876-8121**

**2. St Mary’s Hospital: 217-464-2966**

**3. Macon County Health Department (Sexually Transmitted Infection Clinic):  
(217) 423-6988 ex: 1321**

**4. Community Health Improvement Center (CHIC): 217-877-9117**

Any of these facilities above can assist in treatment for injuries, preventative treatment for sexually transmitted diseases, and other health services.

**Sexual Assault Response Team (SART)**

The SART members consist of the **Title IX coordinators** on each campus, those identified in this policy, our **“responsible employees”** listed below, **Prairie Center Against Sexual Assault**, and **Growing Strong Sexual Assault Center**. The “responsible employees” can offer support in providing a confidential and private environment for the victim to disclose any type of misconduct and provide them with further resources if reporting is desired by the victim. Those employees are then held responsible for reporting any incident to the Title IX coordinators on campus. If the victim chooses to seek outside assistance Mr. John’s School will offer referrals to Growing Strong Sexual Assault Center and Prairie Center Against Sexual Assault. Growing Strong and the Prairie Center offer free and confidential counseling, crisis intervention with a 24-hour hotline, support groups, medical and legal advocacy, training for police/criminal justice personnel, and prevention education. Growing Strong will also assist the victim to any hospital or health care provider.

### **Preserving Evidence**

As a victim, you have the right to preserve evidence by obtaining a rape kit or by finding a sexual assault nurse examiner, (SANE) provided by either hospital or Growing Strong listed above.

### **Ongoing Assistance**

In coordination with the first responders for immediate support mentioned above, Mr. Johns will provide additional resources for ongoing support along with the off campus advocate, Growing Strong Sexual Assault Center which provides counseling and support for victims of sexual misconduct.

Other “Responsible Employees” listed below will provide ongoing support for victims upon their request, while maintaining the same confidentiality as explained in this policy. This includes providing support during institutional disciplinary and criminal process.

**Jeanette Suding – Senior School Director**

**Pamela Stubblefield – Director of Education**

**Jamie Horve – Financial Aid Administrator**

### **Academic Accommodations and Interim Measures**

Mr. John’s School is able to provide the following options to ensure safety and well-being of the victim, as needed. Students may change their schedule to avoid contact with an alleged perpetrator such as changing from a day fulltime schedule to a night part time schedule, or by reducing their scheduled hours during the day. Students may withdraw from enrollment and/or re-enroll after they feel that they will no longer be at risk while attending. Students may re-enroll without paying any additional registration fee. Tutoring services are also available upon request for students who may need it by speaking with any instructor about establishing a tutoring schedule that works best for the students. Mr. John’s will also fully enforce all court ordered restraining orders as well.

Interim measures during an investigation will be the same as immediate measures. If in a situation where the victim needs to relocate or take time away from school to deal with an incident the school does have a leave of absence option; see school director on campus for further information.

### **Title IX Coordinators**

Pursuant to Title IX of the Education Amendments of 1972 and the U.S. Department of Education's regulation, 34 C.F.R. Part 106, the college's Title IX Coordinator has primary responsibility for coordinating the college's efforts to comply with and carry out its responsibilities under Title IX, which prohibits sex discrimination in all the operations of this college, as well as, retaliation for the purpose of interfering with any right or privilege secured by Title IX.

Sexual misconduct against students, including sexual harassment, sexual assault, rape, and sexual exploitation, can be a form of sex discrimination under Title IX. The Title IX coordinator oversees the college's response to reports and complaints that involve possible sex discrimination to monitor outcomes, identify and address any patterns, and assess effects on the campus climate, so the college can address issues that affect the wider school community.

A student should contact the Title IX Coordinator in order to:

- Seek information or training about students' rights and courses of action available to resolve reports or complaints that involve potential sex discrimination, including sexual misconduct.
- File a complaint or make a report of sex discrimination, including sexual misconduct.
- Notify the college of any incident, policy, or procedure that may raise potential Title IX concerns.
- Get information about available resources (including confidential resources) and support services relating to sex discrimination, including sexual misconduct.
- Ask questions about the college's policies and procedures related to sex discrimination, including sexual misconduct.

## Title IV Coordinator

- **Luke Stout – Decatur Campus**  
Business Hours – 217-423-8173 Ext 4  
After Hours – 217-412-5515
- **Shelly Mansfield – Jacksonville Campus**  
Business Hours – 217-243-1744  
After Hours – 217-620-6367

Title IX Coordinator's contact information is also located on our website, [mrjohns.com](http://mrjohns.com)

### Definitions of conduct prohibited by this sexual misconduct policy.

**Sexual harassment:** Unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances, requests for sexual favors, or other verbal or nonverbal conduct of a sexual nature, including rape, sexual assault, and sexual exploitation. In addition, depending on the facts, dating violence, domestic violence, and stalking may also be forms of sexual harassment.

**Hostile Environment caused by sexual harassment:** Exists when sexual-based harassment is sufficiently serious to deny or limits the student's ability to participate in or benefit from the college's programs or activities. A hostile environment can be created by anyone involved in a college's program or activity (e.g., administrators, faculty members, students, and campus visitors). In determining whether sexual-based harassment has created a hostile environment, the college considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was unwelcome to the student who was harassed, but the college will also need to find that a reasonable person in the student's position would have perceived the conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment. To make the ultimate determination of whether a hostile environment exists for a student or students, the college considers a variety of factors related to the severity, persistence, or pervasiveness of the sexual-based harassment, including:

- (1) type, frequency, and duration of the conduct;
- (2) identity and relationships of persons involved;



- (3) number of individuals involved;
- (4) location of the conduct and the context in which it occurred, and
- (5) degree to which the conduct affected one or more student's education.

The more severe the sexual-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment likewise, a series of incidents may be sufficient even if the sexual-based harassment is not particularly severe. As for First Amendment considerations this policy does not impair the exercise of rights protected under the First Amendment.

Mr. John's sexual misconduct policy prohibits only sex-based harassment that creates a hostile environment. In this and other ways, Mr. John's applies and enforces this policy in a manner that respects the First Amendment rights of students, faculty, and others.

**Sexual assault:** Actual or attempted sexual contact with another person without that person's consent. Sexual assault includes, but is not limited to: physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This includes rape, sexual assault, battery, and sexual coercion. Sexual assault may involve individuals who are known to one another or have an intimate and/or sexual relationship, or may involve individuals not known to one another.

Sexual assault includes:

- Having or attempting to have sexual intercourse with another individual without consent. Sexual intercourse includes vaginal and/or anal penetration, however slight, with a body part or object, or oral copulation by mouth-to-genital contact.
  
- Having or attempting to have sexual contact with another individual without consent. Sexual contact includes kissing, touching the intimate parts of another, causing the other to touch one's intimate parts, or disrobing of another without permission. Intimate parts may include the breasts, genitals, buttocks, mouth, or any other part of the body that is touched in a sexual manner.

**Inducing incapacitation for sexual purposes:** includes the use of drugs, alcohol, or other means with the intent to affect the ability of an individual to consent or refuse to consent (as "consent" is defined in this policy) to sexual contact.

**Sexual exploitation:** occurs when a person takes non-consensual or abusive sexual advantage of another for anyone's advantage or benefit other than the person being exploited, and that behavior does not otherwise constitute one of the preceding sexual misconduct offenses. Examples of behavior that could rise to the level of sexual exploitation include:

- Prostituting another person;
- Non-consensual visual (e.g., video, photograph) or audio-recording of sexual activity;
- Non-consensual distribution of photos, other images, or information of an individual's sexual activity, intimate body parts, or nakedness, with the intent to or having the effect of embarrassing an individual who is the subject of such images or information;
- Exceeding the boundaries of consent;
- Engaging in non-consensual voyeurism;
- Knowingly transmitting an STI, such as HIV, to another without disclosing your STI status;
- Exposing one's genitals in non-consensual circumstances, or inducing another to expose their genitals;
- Possessing, distributing, viewing or forcing others to view illegal pornography

**Stalking:** engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for their safety or the safety of others; or to suffer substantial emotional distress.

**Dating violence:** violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the

frequency of interaction between the persons involved in the relationship. It can include but is not limited to:

- Battering that causes bodily injury;
- Purposely or knowingly causing reasonable apprehension of bodily injury;
- Emotional abuse creating apprehension of bodily injury or property damage.

**Domestic violence:** includes felony or misdemeanor crimes 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, or 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 this document, the term "Interpersonal Violence" refers to dating violence and/or domestic violence.

**Retaliation:** a violation of Mr. John's policy to retaliate in any way against a person or persons because they have opposed any practices forbidden under this policy or have filed a report, assisted, or participated in any manner in an investigation or proceeding under this Policy. This includes action taken against a bystander who intervened to stop or attempted to stop discrimination, harassment, sexual misconduct, interpersonal violence, or stalking. Retaliation may take many forms, and may include intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual's complaint or participation. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from opposing practices prohibited by this Policy. We will take immediate and responsive action upon receiving any report of retaliation and may pursue disciplinary action as appropriate.

**Consent:** must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past

consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious.

**Intimidation:** intentional behavior that would cause a person of ordinary sensibilities fear of injury or harm.

### **Reporting Policy and Protocols**

Options for formal reporting include:

- Title IV Coordinator – See Immediate Assistance Section for Contact Info.
- Mr. John’s Instructional Staff – All teachers, “responsible employees”, are trained to report any institutional complaints to the Title IV Coordinator immediately and have full knowledge of our confidentiality policy.
- Mr. Johns Administrative Staff – All administration staff, “responsible employees”, will also report to or request assistance from the Title IV Coordinator immediately while maintaining confidentiality protocols.
- If the victim request a criminal complaint, the Decatur or Jacksonville police department will be contacted for further investigation.
- Victims can report by phone, in person, by mail or by email.
- If victims of any sexual misconduct prefer to report an incident to someone with a sexual assault advocate-victim privilege those students will be referred to Growing Strong Sexual Assault Center, Prairie Center Against Sexual Assault, or any other sexual assault center in the student’s area of residence if they prefer.
- Any third-party or anonymous report must be reported to the Title IV coordinator as soon as possible. If any staff member, teacher, or administrator is made aware of any type of incident they must report this information immediately to the Title IV coordinator available at each campus. The Title IV coordinator will then collect any needed information, record the incident, and investigate further so that the proper protocols are followed, including confidentiality procedures. Any retaliation against those reporting or witnessing the incident is prohibited and will not be

tolerated. The school reserves the right to pursue disciplinary actions against anyone seeking retaliation due to an incident being reported.

All students will receive a copy of this full extensive policy in their new student packet. This will ensure they understand the employee reporting obligation before he or she reveals any information to that employee.

All information will be kept confidential and remain disclosed only on the Title IV Coordinators report, for campus crime and security reporting requirements. No other information regarding the victim will be disclosed except those covered in the confidentiality section of this policy.

Mr. John's title IV coordinators keeps a log of reported sexual discrimination and sexual violence attempts on campus locations. This log is required for compliance under the Clery Act, including the annual reporting responsibilities of campus crime and security. This log is a file on statistics and statements and will not include the student's name.

While maintaining confidentiality of the victim's identity, Mr. John's may need to issue timely warnings in the case it threatens the safety and security of our campus. This determination will be made by top management panel of Shelly Mansfield-President, and Luke Stout-Comptroller (Title IV Coordinator) and John Stubblefield-CEO.

### **Investigation Procedures and Protocols**

When the victim is ready and request an official investigation, Mr. John's title IV coordinator will contact the local police department. Furthermore, Mr. John's will hire our local attorney to conduct the investigation. If we are under confidentiality from the victim, it may limit the investigation, and we will only be able to document area's that will not identify the victim.

The entire document trail, investigation statements, and similar correspondence will be kept in the students file and not in the crime log. The accused must be notified and given a copy of the official report taken for the victim. The victim will be notified of this law before they request the official investigation.

The investigation will be initiated immediate following the request from the victim and local authorities and legal counsel notified that day or the next business day. Preserving the evidence will be at the discretion of the police department and the provided legal counsel of the victim. Only information on a written request by the victim may be shared to the police department.

Mr. Johns will make the same necessary academic accommodations and interim measures for students under investigation as for students during the initial report. These arrangements will be for the duration of the incident until the grievance and adjudication in complete and investigation considered closed.

### **Grievance / Adjudication**

At Mr. John's mediation is never appropriate in sexual misconduct cases. We will use the preponderance-of-the evidence (i.e. more likely than not) standard in any Title IV fact-finding and related proceedings, including any hearings. Per U.S. Department of Education.

On student on student issues only. Our legal counsel will advise the adjudication panel on determining whether the alleged sexual misconduct occurred. Shelly Mansfield – President, Luke Stout-Comptroller, and Jeanette Suding-Decatur location or Jamie Horve – Jacksonville Location will determine the final determination and sanction at the hearing. This will be a 2 out of 3 vote.

Both parties may submit in writing any issues with potential conflicts of interest and it will be reviewed by the panel. Both parties and creditable witnesses may attend and testify in the adjudication process. However; the victim will only be questioned by the hearing panel. There will be no cross examination. The defense must submit questions to the hearing panel to present to the victim prior to the hearing. History of the victim's sexual activities is not relevant. Prior sexual encounters between both parties is also not imply consent or preclude a finding of sexual misconduct.

### **Notice of Adjudication Results and Appeals**

Both parties will receive simultaneous written notice of the outcome of the complaint. Appeals are not permitted.

### **Sanctions**

The sanctions imposed may consist of but not limited to suspension, expulsion, or change of academic schedule, clocked hours, and additional remedies for benefit of the victim and school community.

### **Prevention and Education**

Mr. Johns School of Cosmetology used an outreach program called Growing Strong Prevention Education. They will visit each location a minimum of every 6 months and more frequently if necessary. They teach and educate ALL students and ALL staff and ALL employees on prevention, where to find help, preserving evidence, and importance of a rape kit and offer full licensed counselors who will aid the victim and provide a secure support system if an incident occurs.

Growing strong also hands out magnets with contact information to each student. Mr. John's maintains a board in the student break room with resources for help and support of victims of any assault, sexual or abusive.

### **Training**

All employees of Mr. Johns are required to attend the Growing Strong classes. They are also informed of this policy and procedure for reporting sexual discrimination to the Title IV Coordinator and are fully aware of our confidentiality policy.

Title IV Coordinators attend annual training for VAWA policies and procedures and are required to be fully knowledgeable on the VAWA requirements and to treat VAWA prevention and reporting as a serious on going concern. Mr. John's is

focused on providing a safe and secure campus for our students are diligently working toward continued improvement on VAWA policies and procedures.