

# BOARD POLICY

WESTERN IOWA TECH COMMUNITY COLLEGE

Number 506.7

Title Health and Safety Regulations and Procedures

Sexual Harassment and Abuse (Title IX)

Western Iowa Tech Community College is pledged to maintain an environment conducive to work and study for all persons. Such an environment is free of incidents of sexual harassment, which includes sexual assault and abuse, dating violence, domestic violence, and stalking, as defined below. Prohibited conduct also includes attempting or aiding in the commission of sexual harassment or retaliation for exercising rights under this Policy.

Information will be provided to all students about counseling services and campus security. Educational programs related to the means of preventing sexual abuse, of protection from sexual abuse, and of the rights and duties of students and employees will be provided on a periodic basis.

It is intended to ensure that this policy and its procedures related to sexual harassment are interpreted and applied consistently with Title IX, the Clery Act, Iowa Code § 260C.14(18), and other applicable law.

## A. Scope

The College's scope under Title IX is limited to locations, events, or circumstances over which it substantially controls both the respondent accused of violating the College's prohibition on sexual harassment and the context in which the alleged harassment occurs. The College's scope under Title IX is also limited to conduct against a person that occurs in the United States.

Any person may file a complaint alleging sexual harassment against a student or employee of the College. If a report or complaint falls under the College's scope under Title IX, the College will utilize its Title IX administrative procedures to respond and will not proceed under any other College policy or procedure if doing so would interfere with any right or privilege provided to a party under Title IX. If the College determines that a report or complaint of sexual harassment does not fall under the College's scope under Title IX, the College may still take action for such alleged conduct, consistent with applicable law and policy, and based on the nature of the alleged conduct. The parties will be notified of this decision.

## B. Prohibited Conduct

**Sexual harassment** means unwelcome behavior (verbal, written, physical) that is directed at someone because of that person's sex or gender, and that meets any of the following definitions:

1. A College employee, agent, or other individual under the College's control or authority explicitly or implicitly conditions a decision or benefit on submission to sexual conduct (e.g., sexual favors for a better grade or promotion; implicitly or explicitly threatening negative consequences if the student or employee rejects sexual advances).
2. Unwelcome conduct that creates a hostile, intimidating or demeaning environment that is sufficiently severe, pervasive, and objectively offensive that it effectively denies a person equal access to participation in the College's educational program or activity. Examples can include persistent and unwelcome efforts to develop a sexual relationship; bullying/cyber-bullying of a sexual nature or for a sexual purpose; sexual exploitation; unwanted sexual attention; repeated and unwelcome sexually-oriented teasing, joking or flirting; or verbal abuse of a sexual nature. Behavior could be verbal, non-verbal (e.g., gestures, touching), written or electronic.

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3. Sexual assault or abuse, defined as one of the following offenses in which one has or attempts to have sexual contact or sexual penetration with another individual without their consent:
  - a. Rape: the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without consent of the victim;
  - b. Fondling: the touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim;
  - c. Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
  - d. Statutory rape: sexual intercourse with a person who is under the statutory age of consent.
4. Dating violence, which is violence committed by a person who is or has been in a social relationship of a romantic, sexual, or intimate nature with the individual. The existence of such a relationship shall be determined based on the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
5. Domestic violence, which is a felony or misdemeanor crime of violence committed by a:
  - Current or former spouse or intimate partner of the victim;
  - Person with whom the victim shares a child in common;
  - Person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - Person similarly situated to a spouse of the victim under the laws of the State of Iowa or the jurisdiction in which the incident reported occurred; and
  - Any other person against an adult or youth victim who is protected from that person's act under the laws of the State of Iowa or the jurisdiction in which the incident reported occurred.
6. Stalking, which is engaging in a course of conduct toward another person under circumstances that would reasonably cause a person to fear bodily injury to themselves or others or to experience substantial emotional distress.

The determination as to whether the alleged conduct constitutes sexual harassment should take into consideration all of the circumstances, including the context in which the alleged incidents occurred.

### **C. Resources, Reporting, Investigation, and Resolution Procedures**

For information on reporting options, resources and contact information, and the resolution procedures which apply to a report of complaint of sexual harassment or abuse under this Policy, see the College's Title IX Sexual Harassment Procedures.

### **D. Title IX Coordinator**

The College's Title IX Coordinators ("Title IX Coordinator") coordinates the College's response to reports of sexual harassment under this Policy. The Title IX Coordinators does not serve as an advocate for either the complainant or the respondent. The Title IX Coordinator will coordinate with other campus officials to implement and coordinate appropriate supportive measures such as mutual no-contact orders and academic accommodations. The Title IX Coordinator is trained and knowledgeable about enforcement, compliance, communication, and implementation of the College's anti-harassment and anti-discrimination policies. The name, title, and contact information for the College's Title IX Coordinators are prominently posted and published on the College's website consistent with applicable law.

A party may also contact the Assistant Secretary for Civil Rights of the United States Department of Education for matters under Title IX.

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Legal Reference: HF 2028

Date of Last Revision 12/11/95

PL 101-542, Student Right-to-Know and

Date of Current Revision 08/10/2020

Campus Security Act; Code of Iowa

Chapter 709.1

Related Administrative Procedures and Cross References \_\_\_\_\_

Statement of General Conduct, Student Handbook; 400.10, Harassment

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