

as murder, manslaughter, arson and robbery will generally be the subject of a timely warning notice. Crimes such as aggravated and sexual assault are considered on a case by case basis, with factors such as when and where the incident occurred, when it was reported and whether an arrest has been made being considered. Because the timely warning notice is a method of keeping the college community informed, it may be used for other crimes as determined by the Safety Supervisor or designee. In addition, from time to time, safety related information and articles may be sent out in general e-mail form.

Should an incident occur in which timely warning notification is to be sent, an all student/all employee e-mail will be used as the primary notification method. Because this message will reach every student and every employee on all campuses, should the incident be campus specific, that information will be noted in the timely warning notice. The notice will generally be written by the Safety Supervisor or designee, and will be distributed following approval of the Vice President of Finance and Administrative Service and/or the Dean of Students. Depending on the incident, the College's mass notification system, which will send text messages to cellular telephones and e-mails to campus accounts, may also be used. In some cases, runners, posted notices, or a public address system may be used to make the notification. Any follow up information resulting from a timely warning notification will be sent through an all student/all employee e-mail. Timely warnings shall be provided in a manner that is timely, and that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

Students and staff are highly encouraged to sign up for the texting service, which can be found at witcc.edu/alerts. This is an opt-in system. Simply follow the prompts and select the type of text alerts you would like to receive. To report an emergency situation, call the campus emergency extension which is 1316 or Campus Safety at 712-274-6414 or extension 6414. Emergency calls are immediately forwarded Campus Safety for resolution. The Safety Department is the designated college organization to whom students and employees should report Clery Act crimes for the purposes of making timely warning reports and compiling the annual statistical disclosure.

Emergency Response and Evacuation

Should an incident be reported on campus which involves an immediate threat to the health or safety of students, staff and faculty, WITCC Safety and physical plant staff will attempt to immediately confirm the incident and its location if the incident is on the Sioux City campus. For the campuses in Cherokee and Denison and the learning centers in LeMars and Mapleton, staff at those locations will attempt to confirm the incident. This may be done by physically responding or telephonically. At the Sioux City, Beltway Center, LeMars, Denison, Mapleton and Cherokee locations video cameras may also be viewed to confirm the emergency. Upon confirmation, the College, through the incident coordinator in charge will without delay, and taking into account the safety of the college community determines the content of the notification and initiate the notification system, unless the notification will in the professional judgment of the responsible authorities, compromise efforts to assist victims or contain, respond to or otherwise mitigate the emergency. The incident coordinator in charge will generally determine the extent of the notification and evacuation. On the Sioux City campus this can consist of Student Housing only, or the entire campus. Bur Oak Suites and Prairie Place Suites are equipped with internal public address systems and Sun Ridge Apartments has an external speaker, all connected to the campus public address system. Incidents on all other campuses will result in a full campus notification. Should an incident occur which is obviously an immediate threat which requires securing the building in lockdown, administrative support staff in Sioux City,

readmitted into campus housing will be placed on written probation.

Drug and Alcohol Search by Law Enforcement

Periodically local police departments may be invited to conduct an unannounced drug search with a canine unit. Should the dog indicate that an illegal substance is present in a unit, Campus Safety or a professional housing staff member will search the area. Disciplinary action will be taken and the police may initiate, at their discretion, criminal charges against the residents of the unit.

Illegal Drugs Prohibited

Possession, distribution, manufacture and use of illegal drugs are not allowed in campus housing, including common areas, the grounds, or parking areas. The trafficking of drugs or use of prescription drugs in a manner inconsistent with its labeling is prohibited. Any controlled substance or agent having the potential for abuse and/or possession of paraphernalia for drug use is also prohibited. Students present at the discovery of illegal drugs will be held in violation of this policy.

Sanctions:

1st Violation Marijuana / Prescription Drug Abuse

A student found to be in possession of Marijuana, to possess related paraphernalia, or a student found to be abusing prescription drugs will be required to meet with the Student Justice Hearing Officer for a code of student conduct meeting. The student will also be required to meet with the College counselor. Upon recommendation of the counselor, the student will be required to have a drug assessment from Jackson Recovery performed at the student's expense within one week of the receiving the recommendation. The student must complete the follow up recommendations and sign a release of information for the Dean of Students and the College counselor to receive results and completion confirmation.

In addition, the student will be responsible for completing ten hours of community service and will pay a \$100 fine. The student will have two weeks to complete the community service requirement and must follow the decided upon schedule for completing the hours. The fine will be posted to the student's college account and must be paid within 30 days of the posting date. Failure to follow any of these measures will result in dismissal from campus housing.

The Dean of Students may decide, depending on the severity of the infraction or lack of cooperation on the part of the student, to impose a sanction of immediate dismissal from campus housing and to impose other disciplinary actions on the student.

2nd violation of Marijuana / prescription drug abuse

A student found in violation of the College drug guidelines for a second time will be dismissed from campus housing and may be subject to other disciplinary actions.

Other Illicit Drugs / Controlled Substances / Illegal Enterprises

A student who possesses or uses other types of illegal drugs will be subject to dismissal from campus housing on the 1st violation or occurrence. Any student involved in drug dealing, trafficking, or distribution of any type of drug will be subject to dismissal from campus housing

on the 1st violation or occurrence.

Crime Statistics

WITCC Safety department maintains records of all incidents they investigate or that are reported anonymously. Annual crime statistics are compiled, published and distributed in compliance with the Higher Education Amendments Act of 1998. These statistics include the following: murder, negligent or non-negligent manslaughter, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft and arson. Certain crimes that show evidence of bias must also be reported. These include the crimes listed above, along with theft, simple assault, intimidation and damage to property if the crime was committed due to a person’s race, gender, religion, disability, sexual orientation, gender identity, ethnicity or national origin. Additionally, arrests and campus disciplinary referrals for liquor law violations, drug law violations and weapons law violations are reported. Pursuant to the Violence against Women Reauthorization Act of 2013, the College will also be reporting incidents of dating violence, domestic violence and stalking in the annual crime chart. Copies of these reports are maintained in the WITCC Safety Office. Crime charts will be provided for each separate campus within the College. Statistics for the Mapleton Learning Center will be included with the Denison Campus.

On occasion, law enforcement will investigate a report of crime that occurs on a campus which meets the requirements for inclusion in the annual crime statistics. In the event their investigation shows the report to be false or baseless, the College may list the crime as unfounded and not include it in the campus crime chart. Only sworn law enforcement officers may declare a reported crime to be unfounded. Because the campus Safety department is non-sworn and does not have law enforcement authority, they cannot list a reported crime as unfounded. Unfounded crimes, if any, will be shown on the crime statistics chart for the affected campus.

The WITCC Safety Department also maintains a crime log listing information on all crimes reported to the department. This log is kept current and is available for viewing in the Safety office.

Beltway Center

Offense (Reported by Hierarchy)	Year	On-Campus	Off-Campus	Public Property	Total	Residential Facilities	Unfounded Crimes
Murder/Non Negligent Manslaughter	2020	0	0	0	0	N/A	0
	2019	0	0	0	0	N/A	0
	2018	0	0	0	0	N/A	0
Manslaughter by Negligence	2020	0	0	0	0	N/A	0
	2019	0	0	0	0	N/A	0
	2018	0	0	0	0	N/A	0

Preferred Name Pilot Project: Beginning in April, 2020 we implemented an automated process within MYWIT for students to be able to choose their Preferred Name and changed our WITCC forms to include more inclusive identification markers and pronouns. This team met monthly for the remainder of the year to implement these changes which remain in place.

B. Procedures for Reporting a Complaint

The College has procedures in place that serve to be sensitive to those who report sexual assault, domestic violence, dating violence, and stalking, including written notification informing individuals about their right to file criminal charges as well as the availability of medical, counseling and support services, and additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available.

If you have been the victim of domestic violence, dating violence, sexual assault, or stalking, you should report the incident promptly to the:

Title IX Coordinator, Employees

Human Resources, Rm A242

Jackie Plendl

712.274.8733 ext. 1406

jackie.plendl@witcc.edu

Title IX Coordinator, Students

Tito Parker

Rm D224

712-274-8733 ext. 3284

tito.parker@witcc.edu

The College will provide resources to persons who have been victims of sexual assault, domestic violence, dating violence, or stalking, and will apply appropriate disciplinary procedures to those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic or dating violence, and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

WITCC upon written request will disclose to the alleged victim of a crime of violence (as that term is defined in Section 16 of Title 18, United States Code), or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Resources for victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking

Sioux City Campus and Beltway Center

WITCC Campus Safety, 712-274-6414. RHK room A235. To report sexual abuse that occurred on campus.

Sioux City Police Department, 712-279-6960 or 911. To report sexual abuse that occurred on campus or in Sioux City.

Woodbury County Attorney's Office, 712-279-6516. Criminal prosecution of sexual assault cases. Also, assistance is provided to crime victims regarding the legal process.

South Sioux City Police Department, 402-494-7555 or 911. To report sexual abuse that occurred on campus or in South Sioux City.

Dakota County Attorney's Office, 402-987-2151. Criminal prosecution of sexual assault cases.

Council on Domestic Violence and Sexual Assault, 712-258-7233. Shelter and counseling referrals in Sioux City.

Haven House, 402-494-7592. Shelter and counseling referrals in South Sioux City.

Western Iowa Tech Community College Counseling Service, 712-274-6400, ext. 1293. On-campus counseling and referrals.

St. Luke's Regional Medical Center, 712-279-3500. 24-hour emergency medical services and examinations for sexual assault evidence.

Mercy Medical Center, 712-279-2010. 24-hour emergency medical services and examinations for sexual assault evidence.

Mary Treglia Community House, 712-258-5137. www.marytreglia.org. For visa and immigration assistance in Sioux City.

Cherokee Campus

WITCC Campus Safety, 712-274-6414. To report sexual abuse on campus.

Cherokee Police Department, 712-225-6464 or 225-6728 or 911. To report sexual abuse that occurred on campus or in Cherokee.

Cherokee Regional Medical Center, 712-225-5101. 24-hour emergency medical services and examinations for sexual assault evidence.

Cherokee County Public Health, 712-225-6718. Public health services including information regarding sexually transmitted diseases and testing, information on pregnancy testing and referrals.

Iowa Justice for Our Neighbors, 712-515-255-9809. For visa and immigration assistance in Storm Lake.

Denison Campus

WITCC Campus Safety, 712-274-6414. To report sexual abuse that occurred on campus.

Denison Police Department, 712-263-3195 or 911. To report sexual abuse that occurred on campus or in Denison.

Crawford County Hospital, 712-263-5021. 24-hour emergency medical services and examinations for sexual assault evidence.

Crawford County Public Health, 712-263-3303. Public health services including information regarding sexually transmitted diseases and testing, information on pregnancy testing and referrals.

Hispanic Information Center, 712-263-8022 Denison. For visa and immigration assistance in Denison.

Mapleton Learning Center

WITCC Safety, 712-274-6414. To report sexual abuse at the center.

Mapleton Police Department, 712-881-1306 or 911. To report sexual abuse that occurred at the center or in Mapleton.

Burgess Memorial Hospital, 712-423-2311. 24-hour emergency medical services and examinations for sexual assault evidence.

Monona County Public Health, 712-433-1773.

Public health services including information regarding sexually transmitted diseases and testing, information on pregnancy testing and referrals.

Hispanic Information Center, 712-263-8022 Denison. For visa and immigration assistance in Denison.

LeMars Learning Center

WITCC Safety, 712-274-6414. To report sexual abuse on campus.

Le Mars Police Department, 712-546-4113 or 911. To report sexual abuse that occurred on campus or in Le Mars.

Floyd Valley Hospital, 712-546-7871. 24-hour emergency medical services and examinations for sexual assault evidence.

Plymouth County Public Health, 712-546-3335.

Public health services including information regarding sexually transmitted diseases and testing, information on pregnancy testing and referrals.

Mary Treglia Community House, 712-258-5137. www.marytreglia.org. For visa and immigration assistance in Sioux City.

Title IX Sexual Harassment Procedures

The following procedures shall be followed in cases of Title IX sexual harassment, as defined under Board Policy 506.7 (the "Policy"). The definitions in the Policy are incorporated herein by reference.

For reports and complainants of discriminatory harassment, including sexual harassment which falls outside the scope and definitions of the Policy, see Section I(1)(n) of these procedures, as well as the Student Conduct Code, and/or Board Policy 400.10 as applicable.

A. Additional Definitions

In addition to the defined terms in the Policy, the following definitions apply in these procedures:

- A. Consent:** Knowing, voluntary, and active permission to engage in sexual activity. It must be given by clear words or actions prior to each and every sexual encounter. Silence or inaction can NEVER constitute consent.

- B. Complainant** means any person who alleges that they have been subjected to sexual harassment as defined by the Policy. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the College's educational programs or activities, including employment.

- C. Respondent** means any person who has been reported to be the perpetrator of conduct that could constitute sexual harassment under the Policy, and over whom the College is able to exercise substantial control.

- D. Employees** include full-time and part-time faculty and staff employed on campus or through a College program, activity, or event, including adjunct instructors.

- E. Students** include admitted students, as well as students who may not be on campus but are nonetheless considered an active or enrolled student at the College.

B. Confidentiality

The College is committed to creating an environment in which those who have experienced sexual harassment are encouraged to come forward, while also protecting the privacy of all involved. It is important that those reporting sexual harassment understand the limits on confidentiality of the individual contacted for such assistance. Different people, depending on their positions, have different obligations with regard to confidentiality. Under Iowa law, communications with some individuals are confidential. Those who want to maintain confidentiality should always confirm whether confidentiality

applies to the communication before they make the communication. Generally, confidentiality applies when seeking outside services from the following persons:

- Trained and statutorily certified victim's advocates;
- Licensed psychological counselors or health care providers;
- A personal attorney representing the victim; and/or a
- Religious/spiritual counselor.

The College will keep confidential the identity of any individual who has made a report or complaint of sexual harassment, or has been identified as the respondent to any such report or complaint, or is a witness to any complaint or investigation, **except** as required to carry out the purposes of these procedures (including the conduct of any investigation, hearing, or judicial proceeding), applicable law, or as permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g. Complaints about violations of the Policy will be handled in strict confidence, with personally identifiable information protected and information made available only to those who need to know in order for the College to promptly and thoroughly investigate and resolve the matter. The College must balance the needs of individual students with its obligation to protect the safety and well-being of the community at large.

The College does not publish the name of crime victims nor house identifiable information regarding victims in Campus Safety's Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by completing a form at the Admissions office. This request is good for one year and may be renewed as necessary.

C. Medical Attention and Evidence Preservation

After an occurrence of sexual harassment or other violence, a victim should consider seeking medical attention as soon as possible. Prompt medical attention is important both for physical/mental well-being and to preserve medical and physical evidence. Contact information for local hospitals and clinics is available on the College's website at:

https://www.witcc.edu/security/title_ix_resources.cfm

In Iowa, evidence may be collected even if you chose not to make a report to law enforcement. You will not be responsible for any bill stemming from a sexual assault, including treatment of any injuries that happened during the assault. The bills will be sent directly to Crime Victims Compensation in Des Moines. Also available under this program is counseling for the victim and any secondary victim (spouse, special friend, etc.)

It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted so that evidence necessary for the proof of criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Preserve other evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents. This evidence could be useful to the College and/or law enforcement if you choose to pursue the matter within the College and/or in court.

D. Victim Advocacy and Counseling

Regardless of whether a victim elects to pursue a criminal complaint, the college will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights and written notification of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and student financial aid as well as other services necessary within the larger community if available. In Iowa, a victim of domestic violence, dating violence, sexual assault or stalking has the right to advocacy and the right to confidentiality. Please refer to Iowa Chapter 915: Victim's Rights, Sections 915.1-915.100.

Victims of sexual harassment may also want to contact an advocacy group for information and assistance, or seek mental health counseling. Information and contact information for local advocacy groups is maintained on the College's website at:

https://www.witcc.edu/security/title_ix_resources.cfm

E. Interim Supportive or Protective Measures

After receiving a report or complaint of sexual harassment, the Title IX Coordinator will promptly contact the complainant to discuss the availability of interim supportive measures and consider the Complainant's wishes with supportive measures, whether or not law enforcement is contacted or a formal complaint is filed. The College will also implement interim or supportive action for both parties during an investigation,

or when requested by the Complainant (when reasonably available). Such supportive measures may include:

- Transfer of class sections;
- Assistance in exploring incompletes, leave or withdrawal;
- Changes in living, transportation, or working arrangements;
- Referral to counseling and health resources;
- Providing a mutual campus no-contact agreement or order.

The College will keep any supportive measures confidential, to the extent confidentiality does not impair the College's ability to provide the measures.

Supportive measures will be individualized, provided without fee or charge, are non-disciplinary in nature, and will not unreasonably burden either party. When putting supportive measures in place, the College will consider individually each situation and the circumstances presented. Individuals may also pursue other civil or criminal no-contact/protective orders through the court system. Additional information regarding such legal protections can be obtained through the Clerk of Court of the Iowa District Court for Woodbury County or another court in a county of residence.

Any person who obtains an order of protection from Iowa, South Dakota or Nebraska should provide a copy to Campus Safety and the Office of the Title IX Coordinator. A complainant may then choose to meet with Campus Safety and the Dean of Students office to develop a plan to reduce risk of harm while on campus. This plan may include, for example: escorts, special parking arrangements, changing classroom location, allowing a student to complete assignments from home, etc. The College cannot enforce a violation of a court order, but can assist an individual in contacting law enforcement to report a violation. If any terms of a court order are unclear in their application to the campus environment, it is up to the parties to seek clarification through the court – the College cannot render a legal opinion or give advice other than to develop a plan to reasonably prevent violations of the order.

F. Interim Suspension or Administrative Leave

The College may make a non-disciplinary interim suspension of a student respondent on an emergency basis. Prior to suspending a student, the College will conduct an individualized safety and risk analysis and determine whether there is an immediate threat to the physical health or safety of any individual. Any student so suspended will be provided with notice and an opportunity to challenge this action immediately following the removal.

The College may, in its discretion and consistent with applicable policies, procedures, and/or agreements, place an employee respondent on administrative leave pending the outcome of a resolution process.

G. Reporting Violations

To the College: A complainant may report or file an institutional complaint of sexual harassment by contacting one of the following individuals:

Title IX Coordinator, Employees

Human Resources, Rm A242

Jackie Plendl

712.274.8733 ext. 1406

jackie.plendl@witcc.edu

Title IX Coordinator, Students

Tito Parker, Rm D224

712-274-8733 ext. 3284

tito.parker@witcc.edu

Any non-confidential employee of the College who has the authority to institute corrective measures on behalf of the College must immediately report any known instances of sexual harassment to the Title IX Coordinator. Otherwise, the College strongly encourages all students, employees, or anyone with knowledge to report incidents of sexual harassment.

Law Enforcement:

While the College strongly encourages victims to report instances of sexual harassment which constitute a crime to law enforcement, it is the victim's choice whether or not to make such a report and victims have the right to decline involvement with the police. The Campus Safety Department Safety (available at 712.274.8733 ext. 6414) will assist any victim with notifying local police if they so desire.

In any emergency situation, law enforcement can always be reached by dialing 911. Police Department contact information for WITCC campus locations is listed below in the event that a victim would choose to contact them directly:

Sioux City and Beltway Center Campuses - Sioux City Police Department, 712-279-6960 or 911. To report sexual abuse that occurred on campus or in Sioux City. South Sioux City Police Department, 402-494-7555 or 911. To report sexual abuse that occurred on campus or in South Sioux City.

Cherokee Campus - Cherokee Police Department, 712-225-6464/225-6728 or 911. To report sexual abuse that occurred on campus or in Cherokee.

Denison Campus - Denison Police Department, 712-263-3195 or 911. To report sexual abuse that occurred on campus or in Denison.

Le Mars Campus - Le Mars Police Department, 712-546-4113 or 911. To report sexual abuse that occurred on campus or in Le Mars.

Mapleton Center - Mapleton Police Department, 712-881-1306 or 911. To report sexual abuse that occurred at the center or in Mapleton.

H. Timeframe for Reporting

The College encourages individuals to come forward as soon as possible to share concerns of sexual harassment so that a timely and effective review and response can occur. There is no time limit for a reports or complaints, although the College's ability to investigate and respond fully may be limited with the passage of time. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with campus safety or law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.

In all cases, the College will conduct a fair, prompt, and equitable investigation of allegations of sexual harassment. Generally, the College will *attempt* to complete the process within 60 days. However, the time frames set forth in these procedures are meant to provide guidance, and the College may, as appropriate, alter or extend time frames for good cause, with written notice to the parties. The time it takes to complete the resolution of a sexual harassment complaint may vary based on the complexity of the investigation and the severity and extent of the alleged conduct, as well as on whether there is a parallel criminal investigation, or if school breaks occur during the process.

I. PROCEDURES FOR RESPONDING TO REPORTS OF SEXUAL HARASSMENT

1. Complaint Resolution Procedures – Title IX Scope

a. Initiating a Formal Complaint

When the College learns of potential sexual harassment, in most cases outreach will be done with the Complainant to identify reporting options (discussed earlier) within and outside the College and to offer supportive measures. The Title IX Coordinator is available to meet to discuss those reporting options with the Complainant or answer questions from the Respondent.

A Complainant who proceeds with a formal complaint must do so in writing, and by filing a complaint with the Title IX Coordinator by hard copy, email, or any other writing evidencing a physical or digital signature, or otherwise verifying the Complainant is filing the complaint. If the Title IX Coordinator signs a formal complaint, the Title IX Coordinator will not become a party or Complainant for purposes of the processes below.

b. Dismissal and Consolidation of Formal Complaints

If, at any point of the resolution process, it becomes apparent that the allegations contained within a formal complaint of sexual harassment, even if true, would not meet the scope and/or definitions in the Policy, these procedures, and under Title IX, the College will dismiss the complaint for purposes of processing under these procedures, but may proceed under a different policy or process for adjudication as the circumstances warrant.

Additionally, the College may, in its sole discretion, elect to dismiss any formal complaint of sexual harassment under the following circumstances:

- The complainant requests, in writing, the withdrawal of the formal complaint,
- The respondent is no longer employed or enrolled as a student at the institution, or
- Specific circumstances prevent the College from gathering evidence sufficient to reach a determination or satisfy its own burden of proof in investigating and adjudicating a formal complaint of sexual harassment.

If the College elects to dismiss a formal complaint, all parties will be notified in writing of the decision, and will be given the opportunity to appeal the decision under subsection j below.

The College may choose, at its sole discretion, to consolidate formal complaints where more than one Complainant and/or more than one Respondent is involved so long as the allegations of sexual harassment arise out of the same facts/circumstances. In such cases, the College may also choose to issue a single investigation report.

c. Notice of Investigation

Upon the filing of a formal complaint, the Title IX Coordinator or designee will provide a written Notice of Investigation simultaneously to both parties notifying the parties of:

- the identities of the parties involved in the incident;
- the conduct alleged;
- the date and location of the incident;

- Respondent’s entitlement to a presumption of innocence;
- The parties’ rights to have an advisor of their choice at the party’s expense, who may be an attorney; and
- The parties’ rights to review and comment on investigative evidence.

The written notice of investigation shall notify the parties that making false statements or knowingly submitting false information during the resolution process is prohibited by the College and may constitute an independent basis for disciplinary sanctions, up to and including suspension or expulsion of a student or termination of an employee’s employment.

The notice shall be provided prior to the initial interview of any party, and within a sufficient amount of time to prepare. Parties will be also be provided advance notice in writing of the date, time, location, participants, and purpose of any interview, hearing, or meeting in the investigation and resolution process.

If, during the course of investigation, the College determines that additional allegations will be investigated as part of the pending complaint, the Title IX Coordinator or designee will provide written notice of the additional allegations to any identified Complainant(s) or Respondent(s).

d. Right to an Advisor

Both a Complainant and a Respondent are given the opportunity to have support or advice through the reporting and if applicable, investigative and disciplinary processes. Either the Complainant or the Respondent may have an individual accompany them at their own expense to any meetings, interviews, or hearings related to the matter – these individuals are called “advisors.” The advisor may be a friend, victim advocate, lawyer, employee, family member, or other person chosen by the Complainant or Respondent. The roles and expectations of a person serving as an advisor are explained as follows:

- The advisor will keep private the information shared during meetings and throughout the investigation and adjudication process and will not disclose in any manner information shared or learned in the College process.
- It is up to the Complainant and Respondent to present their information in meetings, interviews, or hearings. Advisors cannot speak for an individual and do not have an active role during any meetings, interviews, or hearings, *with the exception of conducting cross-examination on behalf of a party in a live hearing.*
- The College’s communication during the process will be primarily with the Complainant and Respondent, not with the advisor directly.
- A Complainant or Respondent may use a different advisor at various stages in the process, especially if their chosen individual cannot be available for a scheduled meeting, interview, or hearing. The College will work to reasonably accommodate the advisors’ schedules, but will not unnecessarily delay the process due to the advisors’ conflicts.

- The College may remove an advisor if they unreasonably delay the process, or their presence is disruptive, obstructive, or otherwise interferes with the College's handling of the matter. In such a case, the College will notify the Complainant or Respondent, who may seek another advisor.
- College policy prohibits retaliation against any individuals for filing a complaint or participating in the investigation of the complaint. An advisor is also protected by and subject to this retaliation prohibition. This means an advisor may not retaliate against any person participating in this process, nor may anyone retaliate against an advisor.
- During any hearing during which the party has the right to engage in cross-examination and the party does not have an advisor, the College will appoint that party an advisor for the duration of that hearing, the selection of which is in the College's sole discretion.

e. The Investigation

The College will select an investigator or investigators who have received annual training to investigate campus matters of sexual harassment and on how to conduct an investigation that protects the safety of victims and promotes accountability. The investigator or investigation team may be composed of internal College employees, external professionals, or a combination of both. The College's investigator designations can be found at the following link: https://www.witcc.edu/security/title_ix_investigators.cfm

The College will endeavor to assign investigator(s) without bias or a conflict of interest. Either the Complainant or Respondent may request, in writing, that an investigator be replaced because of a conflict of interest. The Title IX Coordinator will determine if a conflict exists following a parties' request.

The burden of proof and the burden of gathering sufficient evidence to reach a determination of responsibility rests with the College and not with the parties. The order of the interviews and any investigation plan will be determined by the investigator(s) based on the circumstances of each complaint, and will include the following:

- The investigator(s) will interview the Complainant and Respondents separately. Each party will be asked to participate in an initial interview and may be asked to participate in a follow-up interview(s) as needed.
- Each party may offer witnesses and other information, documents or other evidence relevant to the complaint, both inculpatory and exculpatory. Information, documents or other evidence provided by the parties and witnesses may be shared with both parties during the investigation.
- The investigator(s) will make a good faith effort to contact and interview relevant witnesses.
- In the event Complainant or Respondent request reasonable accommodations during the investigation process due to a disability, the investigator(s) will consult with the Title IX Coordinator.

Neither party will be restricted in their ability to discuss the allegations or to gather and present relevant evidence; provided, however, that such communications shall not constitute harassment of or retaliation against any party.

f. Inspection and Review of Evidence Directly Related to Allegations and the Investigation Report

Complainant and Respondent and, unless directed otherwise by the respective parties, their advisors, will be provided the opportunity to inspect all evidence directly related to the allegations of the formal complaint, including both inculpatory and exculpatory evidence, and evidence that the College does not intend to rely on in reaching a determination. The College may require both parties and their advisors to enter into a written agreement prohibiting the use or dissemination of evidence for any purpose other than those directly related to the parties' participation in resolution process.

Complainant and Respondent will be given *at least ten days* to inspect and review the evidence collected during the College's investigation and to submit a written response the investigator(s) will consider in preparing a final investigation report. The final investigation report will summarize the information and include any documents gathered. The investigative report will not include determination of responsibility for the complaint itself.

Additionally, Complainant and Respondent will be given at least an *additional ten days* after receiving a copy of the College's final investigation report to respond to the investigation report, in writing. In their written response to the investigation report, Complainant and Respondent may provide written comments regarding the relevance of the evidence included in or excluded from the investigation report, provide factual or other corrections to the report, and otherwise provide context for the report.

The final investigation report will be distributed, concurrently, to both of the parties and the Title IX Coordinator at least ten (10) calendar days prior to a hearing to determine responsibility.

g. Live Hearing and Cross-Examination

For purposes of adjudication of formal complaints of sexual harassment under the Policy and procedures' scope under Title IX, regardless of the identity of the parties involved, the College will conduct a live hearing prior to the issuance of a written decision report in accordance with the procedures below:

1) Appointment of Decision-Maker(s)

The College shall appoint one or more Decision-Maker(s) who are either internal or external to the College and have been trained on the matters set forth in the Policy and procedures. The College will endeavor to appoint Decision-Maker(s) without bias or a

conflict of interest. If there is more than one Decision-Maker, one of the Decision-Makers shall be designated to serve as Hearing Officer during the hearing. The Hearing Officer will preside over the hearing and determine whether information or questions of parties is relevant. All procedural questions, including the decision to accept evidence and/or statements, will be made by the sole Decision-Maker or Hearing Officer, in their sole discretion.

2) Notice of Hearing

No less than ten (10) calendar days before the hearing, the Title IX Coordinator will prepare and send the parties a written notice of the time and date of the hearing, as well as the identities of the Decision-Maker(s), who may be internal or external to the College. Within five (5) calendar days either the Complainant or Respondent may request, in writing to the Title IX Coordinator, that the Decision-Maker(s) be replaced because of an identified conflict of interest. The Title IX Coordinator will determine if a conflict exists, and replace any Decision-Maker with such a conflict.

If a party requests or at the College's discretion, the entire hearing will be conducted with the parties in separate rooms with technology enabling the Decision-Maker(s) and parties to simultaneously see and hear the witness answering questions, live and in real-time.

3) Notice of Witnesses

At least five (5) calendar days before the hearing, the Decision-Maker(s) will notify the parties in advance which witnesses (including Complainant or Respondent) they would like to be present at the hearing. The Decision-Maker(s) or designee will notify these witnesses of the hearing date and time and that their presence has been requested. Any witness called by the Decision-Maker(s) will also be expected to answer questions from the parties.

- a. When notifying the parties of these witnesses, the Decision-Maker(s) will also request the parties identify any additional witnesses they wish to have present at the hearing for cross-examination.
- b. The Decision-Maker(s) or designee will notify relevant witnesses of the hearing date and time and that their presence has been requested by the party for cross-examination.

4) Proceedings

- a. The Complainant and Respondent are permitted and encouraged to attend and participate in the hearing with an advisor of their choice.
- b. The hearing is closed to the general public. The parties and their advisor will be allowed to attend the entire portion of the hearing at which information is received

(excluding deliberations). Admission of any other person to the hearing will be at the discretion of the Decision-Maker(s).

- c. There shall be no formal pleadings, legal memorandum, or motions filed in the hearing process.
- d. The Decision-Maker(s) will advise the parties if opening statement or closing statements are permissible.
- e. The College will record and/or create a transcript of all live hearings and will make that recording and/or transcript available to all parties for inspection or review.
- f. The College will make all evidence subject to inspection by all parties available at any hearing and will give each party equal opportunity to refer to that evidence at the hearing, including as part of cross-examination.
- g. Presentation of Evidence:
 - i. The hearing is not a second investigation of the allegations. In the hearing, the parties will be asked if they have any additional evidence for the Decision-Maker(s) to consider, and if the parties wish to comment on the Investigation Report and evidence. Any new evidence presented by a party, if admitted as relevant, will be provided to the other party to review and provide comment;
 - ii. Parties will be allowed, through their advisors, to cross-examine all other parties and any witnesses, including fact and expert witnesses, and to ask all relevant questions and follow-up questions including those challenging party or witness credibility, directly, orally and in-real time. Any party without an advisor will be appointed an advisor by the College, with selection of the advisor being at the sole discretion of the College;
 - iii. Only relevant questions may be asked of a party or witness. The Decision-Maker(s) will explain the decision to exclude any question as irrelevant. Questions about prior sexual history will generally be deemed irrelevant with limited exceptions.
 - iv. The Decision-Maker(s) may ask questions, at any time, of the parties and of the witnesses.

The College will not allow Decision-Maker(s) to rely on any statements made by a party or witness in reaching his or her determination if that party or witness does not submit to cross-examination during a live hearing.

The Decision-Maker(s) will not draw an inference about responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

h. Standard of Proof

The determination of whether or not sexual harassment occurred will be based on the "preponderance of evidence" standard. This standard generally means whether it is more likely than not that the conduct occurred.

i. Written Decisions

The College Decision-Maker(s) will independently evaluate the evidence gathered. Written decisions will be provided simultaneously to the parties and include the following information:

- 1) allegations of sexual harassment,
- 2) procedural history (including specifics about notifications of hearings, meetings and interviews, methods used to gather evidence and hearings held),
- 3) findings of fact supporting the decision,
- 4) conclusions regarding application of policy to the facts,
- 5) rationale for the decision/finding of responsibility as it applies to each allegation,
- 6) disciplinary sanctions imposed on respondent, if any,
- 7) whether (but not the nature of) remedies designed to restore/preserve equal access to any or all education programs or activities that will be provided to the Complainant, and
- 8) procedure and permissible bases for appeal.

Decisions, including the imposition of any sanctions, will become final upon written notification to the parties of the outcome of an appeal or, if there is no appeal, the date on which an appeal would no longer be considered timely.

The Title IX Coordinator will be responsible for coordinating the effective implementation of remedies, as well as any non-punitive or non-disciplinary supportive measures imposed.

j. Appeals

The written decision of the Decision-Maker(s) shall be subject to appeal by both Complainant and Respondent. All parties have an equal right to appeal any final decision on the following bases so long as the bases of the appeal is significant enough to be reasonably expected to affect the outcome of the decision:

- A procedural irregularity within the investigation or adjudication process;
- New evidence not reasonably available when determination of responsibility was made;
- A conflict of interest or the bias of the Title IX Coordinator, investigator or a Decision-Maker.

The College will notify all parties upon receipt of an appeal by any party alleging one of the bases for appeal above. Both parties will be given an opportunity to submit a written statement in support of, or challenging, the written determination. Written statements must be submitted to within five (5) business days.

The Appeal Decision-Maker(s) will determine if the decision and/or sanctions imposed will be stayed pending the outcome of the appellate decision. Except as required to explain the basis of new information, an appeal will be limited to a review of the verbatim record of the hearing and supporting documents.

The Appeal Decision-Maker(s) may affirm, reverse, or modify the decision regarding the violation and/or sanctions imposed. A written decision will be issued simultaneously to the parties describing the result of the appeal and the rationale therefor. The written appeal decision is the final decision of the College, and no further appeals are permitted under the Policy or these procedures.

k. Sanctions

The penalties for a violation of the Policy are as follows:

For students, sanctions can include the following:

<http://catalog.witcc.edu/content.php?catoid=6&navoid=396#student-code-of-conduct>

For faculty and staff, sanctions could range from warning, reprimand, suspension with or without pay, demotion, or termination of employment, and may include such other forms of disciplinary action as appropriate under applicable College procedures, handbooks/manuals, or contracts. If a final decision imposes disciplinary action which constitutes termination of college personnel entitled to the hearing/judicial review procedures of Iowa Code chapter 279, such procedures shall be followed as required by law.

Sanctions may also include supportive measures. The College will also consider providing remedies for the broader campus community, as may be necessary to remedy the effects of sexual harassment.

l. Informal Resolution

After the filing of a formal complaint, the College may facilitate an informal resolution between the parties, and at any time prior to the Decision-Maker(s') determination of responsibility via the issuance of a written decision.

The Title IX Coordinator or designee will assess the severity of the alleged sexual harassment and the potential risk of a hostile environment for others in the campus community to determine whether informal resolution may be appropriate. Informal Resolution will not be available to resolve allegations involving an employee sexually harassing a student.

The College will not require the parties to participate in the informal resolution process as a condition of enrollment, continuing enrollment, or employment or continuing employment, or of any other right conferred by the College.

The Title IX Coordinator or designee will provide the parties with a written notice setting for the allegations, the requirements of the informal resolution process set forth in these procedures, the right of any party to withdraw from the informal process and proceed with the formal complaint resolution process above, at any time prior to agreeing to a resolution; and any consequences resulting from the participation in the informal process, including the records that will be maintained or could be shared by the College. Both parties must voluntarily consent in writing to participation in the informal resolution process.

The Title IX Coordinator or designee will attempt to aid the parties in finding a mutually acceptable resolution to the complaint. This resolution will be reduced to writing and must be signed by the Complainant and the Respondent. Once both parties have voluntarily signed the written resolution, the written resolution becomes final and neither party can initiate the formal complaint resolution process above to resolve the allegations in the formal complaint. The written resolution is not subject to appeal.

a. Advisors

The Complainant and the Respondent each may be assisted by an advisor throughout the Informal Resolution process. Advisors are must be silent support persons for the parties and cannot participate directly in the informal resolution process.

b. Election of Formal Resolution

Either party may, at any time prior to signing an informal resolution agreement, elect to end the informal resolution process and initiate formal resolution instead. In such cases, statements or disclosures made by the parties in the course of the informal resolution will not be considered in the subsequent formal resolution.

c. Privacy of Informal Resolution

In order to promote honest, direct, communication, information disclosed during informal resolution must remain private while the informal resolution is pending, except where disclosure may be required by law or authorized in connection with duties on behalf of the College.

m. Complainant Does Not Wish to Pursue Resolution or Requests Confidentiality

If the Complainant does not wish to pursue formal or informal resolution and/or requests their report remain confidential, the Title IX Coordinator will inform the Complainant that the College's ability to respond may be limited. The Title IX Coordinator will only initiate a formal complaint against the wishes of the Complainant where doing so is not clearly unreasonable based on known circumstances, based on the potential impact to the College community if the allegations were true.

Even if the College cannot take disciplinary action against the Respondent because the Complainant insists on confidentiality or that the complaint not be resolved, the College reserves the authority to undertake an appropriate inquiry, and/or take other reasonably necessary supportive measures to promote a safe learning environment for the Complainant and/or the entire College community.

n. Sexual Harassment Outside the Policy's Scope and Definitions

If a formal complaint is filed which alleges sexual harassment which falls outside the scope and definitions of the Policy and Title IX and is dismissed, the Title IX Coordinator will refer the complaint as appropriate for adjudication under another policy or process, such as the Harassment Policy or other conduct policies, as long doing so would not interfere with any right or privilege provided to a party under Title IX.

To the extent the complaint alleges dating violence, domestic violence, domestic violence, or sexual assault which fall outside the scope of the Policy (e.g., the alleged conduct occurred outside the United States or without substantial control over the respondent and the context in which the conduct occurred), the College shall nonetheless provide the following procedural rights to the parties in the applicable adjudication process:

1. The parties will each have the opportunity to participate in the investigatory and disciplinary process which is overseen by properly trained individuals;
2. The parties will each have the opportunity to be advised by a personal advisor of their choice, at their expense, at any stage of the process and to be accompanied by that advisor at any meeting or hearing. An advisor may only consult and advise his or her advisee, but not speak for the advisee at any meeting or hearing, except as expressly provided for in applicable procedures;
3. Decisions will be based on the preponderance of evidence standard. In other words, the investigator or adjudicator will determine if it more likely than not that the respondent violated the applicable policy;
4. The parties will be notified simultaneously in writing of the outcome of any disciplinary proceeding, as well as any changes to those results or disciplinary actions prior to the time that such results become final; and

5. If there is a right to appeal, the right is granted co-equally to the parties and the right will be explained in the applicable procedures. The parties will be notified simultaneously in writing of the final outcome of an appeal, if applicable.

College sanctions for such misconduct could include the range of sanctions detailed above.

o. Non-Retaliation.

No student or employee will suffer retaliation for reporting alleged instances of sexual harassment at Western Iowa Tech Community College. Any individual who believes they have experienced retaliation should immediately report it to the Title IX Coordinator or another College official.

J. Training

Investigators, Decision-Maker(s) and other personnel involved in the process of investigating, responding, coordinating or otherwise assisting in the adjudication of complaints of sexual harassment will receive training as required on the topics of 1) impartiality, 2) conflicts of interest and bias, 3) the College's resolution processes, 4) issues of relevance and evidence, 5) the scope of the College's educational programs and activities, and 6) types of sexual harassment.

College investigators will also be trained in writing investigation reports and Decision-Makers will be trained in conducting hearings, writing decisions and the technology used in hearings. The training materials used to perform these trainings will be published on the College's website and will ensure that relevant personnel are trained annually on issues related to sexual harassment and are taught how to conduct an investigation and hearing process that protects the rights, well-being, and safety of the parties, provides an equitable process for all parties involved, and promotes accountability.

K. Education and Programming

The College has developed educational programming to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

- A. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;

- B. Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- C. Defines what behavior and actions constitute consent to sexual activity in the State of Iowa
- D. Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- E. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks.

WITCC engages in comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault and stalking that:

- A. Are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research, or assessed for value, effectiveness, or outcome; and
- B. Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

L. Sex Offender Registration

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a State to provide notice, as required under State law, of each institution of higher education in that State at which the person is employed, carries on a vocation, volunteers services or is a student.

In Iowa, convicted sex offenders must register with the Sheriff's Office in the county of residence. The sex offender registry is maintained by the Iowa Department of Criminal Investigation. You can access this information at the following website: www.iowasexoffender.com

Additionally, the Dru Sjodin National Sex Offender Public Website offers sex offender information on a nation-wide basis and is coordinated by the U.S. Department of Justice. The NSOPR site is a cooperative

effort between jurisdictions hosting public sex offender registries and the federal government.
<http://www.nsopw.gov>