INTRODUCTION
Western Iowa Tech Community College is providing this information in compliance with the Jeanne Clery Disclosure of Campus Safety Policy and Crime Statistics Act (Clery Act). The Clery Act and its updates, direct institutions of higher education to provide specific information on College policies, crime statistics, fire statistics, emergency phone numbers and an overview of some of the safety programs offered by the College. The campus Safety Department under the direction of the Safety Supervisor is responsible for compiling the information in this report. The annual statistics are prepared by collecting crime data from Safety Department records, designated Campus Security Authorities and requests from local law enforcement agencies regarding crime statistics for defined locations at all of the WITCC campuses. Once the crime statistics are compiled, they are included in this Annual Security and Fire Safety Report. These crime statistics are also submitted to the federal Department of Education on an annual basis.

CAMPUSES
The main campus of Western Iowa Tech Community College is located at 4647 Stone Avenue, Sioux City IA. The phone number is 712-274-6400. In addition to the main campus WITCC has branch campuses in the following locations:
Beltway Center, 3415 Hwy. 75 North, Sioux City, IA. 712-274-6449.
Cherokee Campus, 200 Victory Drive, Cherokee IA. 712-2550238.
Denison Campus, 11 N. 35th Street, Denison, IA. 712-263-3419.

In addition to the branch campuses, WITCC also has learning centers in the following locations:
Mapleton Learning Center, 38491 Hwy. 175 North, Mapleton, IA. 712-882-2401.
LeMars Learning Center, 25 5th Ave. NW, LeMars, IA. 712-274-8733, ext. 6473.

For the purposes of this Annual Security Report, the branch campuses will be included under the College safety procedures and site specific information, such as crime charts, will be noted for each location.

WITCC has student housing facilities located only at the main campus in Sioux City.

Authority of Campus Safety
Western Iowa Tech Community College has a non-sworn Safety department based at the main campus in Sioux City. Safety officers do not have the power to make arrests. Campus Safety officers are on-duty on a 24-hour basis and provide a variety of assistance and support functions to students and employees on all WITCC campuses. The department’s objectives are life safety, property protection, crime prevention and enforcement of College policies. Campus Safety jurisdiction consists of the main campus, branch campuses, LeMars and Mapleton learning center at above addresses.

To assist with these objectives, WITCC Safety has the authority to issue campus citations for traffic and parking offenses. They have the authority to initiate vehicle and pedestrian stops on campus property for observed violations and investigatory purposes. They are responsible for the
preliminary investigation of criminal actions which occur on campus and may contact local law enforcement at their discretion. Evidence of underage drinking may be reported to law enforcement. They have the authority to direct the actions of others on campus and the right to detain subjects for further investigation. They have the authority to conduct searches of student housing apartments, vehicles, book bags, or containers of any type and computers on campus property when there is reasonable suspicion of criminal activity or violations of WITCC rules and regulations. They will report student code of conduct and behavioral violations, including refusal to cooperate with lawful requests, to the Dean of Students or designee for disciplinary actions.

The WITCC Safety Department adopts the definitions of traffic violations as found in the Iowa motor vehicle law handbook (Chapter 321 and 321A-L) and the ordinances of Sioux City as they apply to the violations listed on the WITCC traffic/parking citation.

**Campus Security Authorities**

Campus security authorities are individuals or offices whose functions involve building relationships with students and or has significant responsibility for student and campus activities or access monitor any institution owned or controlled facility or event. Example: faculty or staff advisors to student organizations, victim advocates, campus Safety etc.

**Procedures for Reporting Crimes**

If you observe criminal activity or are the victim of a crime on campus, you are strongly urged to contact WITCC Safety officers by calling 712-274-6414 or a preferred Campus Security Authority such the Dean of students located in the Robert H. Kiser Building room A517 or by calling 712-274-6400 ext. 1399 or Title IX Coordinator located in the Robert H. Kiser Building room A242 or by calling 712-274-6400 ext. 1406 soon as possible. You may also call 911 for emergency law enforcement assistance at any of our campus locations. Witnesses to criminal activity on college property are encouraged to promptly report such activity when the victim of a crime elects to, or is unable to, make such a report.

On campus phones may be used to contact Safety by dialing 6414 or 1316, which is for campus emergency use. These numbers are posted on the black courtesy phones around the Sioux City campus and in each housing unit.

Blue phones located in Student Housing may also be used to summon Safety assistance. These phones are in Lot 1 of Sun Ridge Court and are also located by the front door and on the ground floor patio of Bur Oak Suites and Prairie Place. The Robert H. Kiser Building in Sioux City also has a blue phone located near Entrance 11.

The alleged victim of a crime of violence or sex offense may make a written request for the results of any College disciplinary proceeding 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 shall be treated as the alleged victim for this purpose and may make the written request.
Confidential and Anonymous Reporting

Persons wishing to report an on-campus crime confidentially may file a statement with the Safety department. An internal report will then be generated for statistical purposes. These reports will assist with providing timely documentation of incidents and information. They will also allow the College to address future or on-going safety concerns. Currently there is no policy that encourages pastoral counselors or professional counselors to inform clients of crime reporting procedures on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

In certain circumstances, such as incidents of sexual abuse, individuals may wish to file an anonymous report with the College. These statements will be taken by the Safety department or any other person designated as a campus security authority, who will then forward the information to the Safety department. A report will be generated for statistical purposes. Depending on the wishes of the person involved, College services and support can be offered. Should the victim of a crime wish to file an anonymous report and decline Safety or law enforcement intervention, their decision will be respected and no investigation will be conducted.

Relationship with Local Law Enforcement

While there are no formal written agreements with local law enforcement agencies in Sioux City, Le Mars, Cherokee, Mapleton and Denison, Western Iowa Tech Community College will support and cooperate with those agencies regarding the investigation of criminal offenses committed on all campus property. Students, staff and faculty are encouraged to report emergencies, suspicious behavior or criminal activity immediately to either the Safety Department at extension 6414 or the local law enforcement agency by dialing 911.

Student Criminal Activity Off-Campus

Western Iowa Tech Community College does not have any officially recognized off campus student organizations. Any off campus criminal activity involving WITCC students would be addressed by law enforcement agencies with jurisdiction for that area. Notification to the College by law enforcement is not required. In addition to law enforcement, these crimes should also be reported to Campus Safety for statistical purposes and so proper notifications and disciplinary action, if applicable, can be made.

Safety Escorts

The Safety Department will provide escort services to those who request them on the Sioux City campus. This can be especially important during the evening hours or if there is a concern of harm. Anyone may request an escort from any building or housing facility on campus. Please contact Safety at 712-274-614 or extension 6414 to meet a Safety officer for an escort.

Crime Prevention

To enhance safety on all campuses, lighting, both inside and outside is regularly maintained and upgraded as needed to ensure visibility. Landscaping is designed to prevent concealment. Video surveillance is used to monitor buildings and property on the Sioux City, Beltway Center, LeMars, Mapleton, Cherokee and Denison locations. Although not continuously observed, the camera system does allow for recorded video to be used for investigatory purposes. In addition, campus
Safety officers conduct regular patrols of the Sioux City campus and housing buildings, grounds and nature trail.

SAFETY PROCEDURES

Security and Access to Campus Facilities

WITCC students, staff, and visitors have access to most campus buildings beginning at 7 a.m. until 10 p.m., Monday through Thursday and 7 a.m. until 5 p.m. on Fridays. On Saturdays, Admissions, the front lobby area and the Library on the Sioux City campus are open from 8 a.m. until noon. On Sundays and holidays the College is open for scheduled events only. The Safety department is responsible for locking and unlocking designated buildings either by electronic access devices or physical locks. Safety officers conduct regular patrols of the campus grounds, buildings, and housing complexes. Students are responsible for securing their vehicles. Housing residents are responsible for security for their individual units at WITCC Student Housing. Afterhours access to Bur Oaks Suites and Prairie Place Suites is by electronic access only. Access to Sun Ridge Court is by electronic access only. Non-resident guests must be accompanied by a resident when in campus housing facilities. Safety officers should be contacted at 274-6414 or 1-800-352-4649, extension 6414, to provide safety services or assistance to students, staff, and campus visitors.

Maintenance of Campus Facilities

The Physical Plant is responsible for maintenance and upkeep of all College buildings and property. Facilities and landscaping are maintained in a manner that minimizes hazardous conditions. While on patrol, Safety officers are tasked with reporting any repair issues such as malfunctioning lights, road conditions and other unsafe physical conditions to Facilities Management for correction. In addition, a form titled “Report a Building or Grounds Concern” is available on the MyWIT website under the Safety tab which can be used by any student or employee to report anything that they feel may require repair. All persons on campus are encouraged to report any deficiencies to the Physical Plant using either this form or a phone call to extension 1427.

Residence Facilities

Safety and security is paramount and is the responsibility of not only College staff, but Housing residents as well. Residents are responsible for locking their individual rooms and suite or apartment doors and assisting with maintaining a secure building.

The exterior doors of Bur Oak Suites are locked at all times except during normal college business hours. Prairie Place Suites exterior doors are locked at all times. Apartment doors in Sun Ridge Court are locked at all times. Exterior doors in all three housing facilities are accessed through electronic locks. During locked hours, a phone is available in the Bur Oak vestibule for guest use. Non-residents must be accompanied by the resident they are visiting.

Residents are not to give their identification cards and room keys to non-residents at any time. Should a resident be approached by a guest of another resident requesting admittance to housing...
facilities, that request must be denied for the safety and security of everyone in the building. Residents who jeopardize the security of housing facilities, such as propping doors open, may face disciplinary action. Residents are responsible for any access cards and room keys issued to them and may be assessed a fee for replacement.

Children on Campus
Western Iowa Tech Community College is an institution of higher education. Minor children are not allowed to: attend classes with their parents, be in College work areas with their parents or be on campus unattended. These are safety and insurance issues for the College. Children may accompany their parents or guardians who are on WITCC campuses to register for classes, to pick up and drop off class materials, and/or to seek College information and services. If any student has a concern in this area, please contact the Dean of Students in the Administrative offices or at extension 1488. If any employee has a concern in this area, please contact the Dean of Quality and Human Resources at extension 1406.

SAFETY PROGRAMMING
Safety procedures and an introduction to the College safety videos occur during College Experience classes for new students. Members of the campus Safety department are available for safety related presentations to student and employee groups. Please contact the Safety Supervisor at extension 3210 for scheduling a presentation.

Safety Education
ALICE-The College has introduced the ALICE method of response to violent events on campus, such as a school shooting incident. The Safety department provides ALICE training to all new students during their College Experience class each semester. Employees have received training during staff meetings and refresher training occurs as needed or requested. This response method helps those involved increase their chances of survival through better information flow, which enhances their ability to make sound decisions. It also includes techniques that can be used should a person be confronted and have to actively engage the shooter.

Self Defense-The Student Activities Coordinator provides a women’s self-defense course that is taught by a Self-Defense instructor, who is a 6th degree black belt in Tae Kwon Do, he teaches simple techniques designed to allow women to be able to break contact and create distance so they can escape from an aggressor.

Campus Safety Videos-WITCC has produced several videos that are accessible to all students and employees regarding safety on campus. There are six self-produced safety videos:

1. Introduction-This video introduces the College Emergency Action Guide, emergency phone call process and the emergency posters located in each classroom and workspace.
2. Fire Safety-This video provides instruction on the fire alarm system and the proper method of evacuating a building should the alarm be activated.
3. Tornado-This video familiarizes the college community with the procedures for sheltering in place during severe weather incidents.
4. Secure Your Area- This video describes the College lockdown procedure, A.L.I.C.E.-Alert, Lockdown, Inform, Counter and Evacuate for classroom and workspace locations during a violent event on campus. The video also gives students and employees’ suggestions regarding shelter and evacuation should they be located in an open area of a building during a violent incident, such as a school shooter, on campus.

5. Notification-This video is a compilation of the various alarms that are used at the College to notify students and employees of unusual situations.

Crime Prevention, Safety Awareness and Safety Education January 1st 2020-December 31st 2020

The WITCC Safety staff performed multiple presentations of the ALICE active shooter training program during College Experience classes and for Staff Development breakout sessions. ALICE is the program that WITCC has chosen to educate all of the WIT community in ways of how to stay safe with the acronym Alert, Lockdown, Inform, Counter and Evacuate. This includes being aware of your surroundings, knowing warning signs to look for, using your surroundings as protection.

In addition, the College has purchased additional safety videos from 360StaySafe. These videos address topics that can affect college students such as recognizing controlling behavior in a relationship, stalking, preventing sexual assault, identity theft and protecting your possessions, safety tips and basic self-defense techniques. All safety related videos are located on the MyWIT homepage under the “Safety” tab and are available for viewing at any time. In addition to the videos, the College also provides the following safety related programming through the Counseling Department:

WITCC offered programming of Dating and Relationship Series in the Spring of 2020; discussing issues related to dating, sexual safety and domestic violence. CAASA and Safe Place came to all College Experience classes and Staff Development day session to educate employees on domestic violence and sexual safety required for Title IX. Jackson Recovery presented to the majority of College Experience classes on alcohol and drug awareness/use and abuse. Multiple workshops were hosted in the Comet Learning Center and in all College Experience classes on anxiety and depression and how it impacts learning, also a workshop on learning styles and time management.

Each of these programs are presented at least once a semester on the Sioux City Campus and by appointment at the Cherokee and Denison campuses and the Mapleton and LeMars learning centers. They are open to all WITCC students, staff and faculty. The Counseling and Safety departments are always willing to address any group on campus regarding safety related topics. To schedule an appointment please contact the Safety Supervisor at ext.3210 or the College Counselor at ext. 3290.

All students and employees at WITCC are encouraged to be responsible for own personal safety as well as the safety and security of others on campus.
Weapons on Campus

WITCC does not permit firearms on campus. The exceptions to this are:

1. Certified law enforcement officers in their jurisdiction.
2. Non-certified officers attending the ILEA satellite training academy on the Sioux City campus may bring firearms only for related classes.
3. Firearms owned by the College for use in the Police Science program.
4. Firearm training courses hosted by the College for members of the public.
5. Campus Safety staff who have been authorized by the college to be armed.

Individuals who violate this policy will be referred to law enforcement for arrest and prosecution.

Policy for Drug and Alcohol Free College Community

The College shall endeavor to provide a healthy, safe, and secure educational environment. It is the policy of the Board that, within the powers of the College, reasonable measures shall be taken to establish and maintain a drug-free community as required by the Drug-Free Workplace Act of 1988, the Drug-Free Schools & Communities Act/Amendment of 1988 (PL101-226), and applicable Iowa statutes. (WITCC Board Policy 506.6)

I. Policies Applicable to All

A. The unlawful manufacture, distribution, dispensation, possession, or use of a mood-altering substance on College premises, or while conducting College business or attending any College function by employees or students is absolutely prohibited. Violation of this policy may result in disciplinary action up to and including termination of employment or expulsion from the College.

B. All students and employees are expected to report for their assignments unimpaired by the use of a mood-altering substance.

C. The use of any prescription drug or medication with intent to induce mood alteration in a manner or amount not prescribed by an attending physician is prohibited while on College premises or while attending College functions.

D. The ingestion of any nonprescription chemical on College premises with intent to induce mood alteration is prohibited.

E. Any promotional material used for or in conjunction with College activities shall not include advertisement of alcoholic beverages.

F. Mood-altering substances as used in this Policy include, but are not limited to, controlled substances as defined in federal and Iowa criminal statutes, and alcoholic liquor and beer.
II. Sanctions

A. Legal – Applicable to All

Federal For the possession, manufacture, distribution, or dispensing of a controlled substance, the maximum penalty is life imprisonment, a $20 million fine, or both and forfeiture of conveyances including vehicles. 21USCS 841, 844, and 881.

Iowa For the manufacture, delivery, or possession of a controlled substance or conspiring to do so, the maximum penalty is 50 years imprisonment, a $1,000,000 fine, or both. 204.401 Iowa Code, 1989.

Iowa On College premises, for the use or possession of a controlled substance and for the use and possession of any alcoholic liquor or beer, except as permitted by College. See College rules for penalty (may include suspension or expulsion). 279.9 and 280A.23(3) Iowa Code, 1989.

Sioux City For the use or consumption of alcoholic liquor, wine, or beer upon public streets and alcoholic liquor anyplace except premises covered by a liquor control license, the maximum penalty is 30 days imprisonment, a $500 fine. 8.16.010 Municipal Code Sioux City.

B. College – Applicable to Students

1. Violation of this policy may result in imposition of one or more of the following sanctions.
   a) Recommendation that the student seeks an assessment at an accredited substance abuse agency and follows all subsequent recommendations.
   b) Mandatory participation in a substance abuse program at an accredited treatment agency.
   c) Required chemical dependency assessment within ten (10) days of imposition of sanctions at an accredited substance abuse agency and adherence to subsequent recommendations.
   d) Suspension from school pending completion of an assessment at an accredited substance abuse treatment agency and adherence to all subsequent recommendations.
   e) Dismissal, with a verbal recommendation that the student seeks an assessment at an accredited substance abuse treatment agency and follows all subsequent recommendations.

2. In addition to or in lieu of any of the penalties for an act of misconduct under the Student Code of Conduct section in the Student Handbook, when alcohol or drug abuse appears to be a factor, sanctions listed herein may be applied.
III. Miscellaneous

A. When employees or students suspect another individual is having alcohol or other drug related difficulties, including difficulties with family or friends, they are encouraged to intervene by sharing their concerns with the individual, or they may contact the Dean of Students for confidential assistance on how best to help the person.

B. When a student witnesses possession of alcohol or other drugs by another student or staff member, it is strongly suggested that he/she report the incidence to WITCC Safety.

C. When a staff member is a witness to the possession of alcohol or illicit drugs by a student, the following must be applied:
   1. The Safety Department must be notified immediately.
   2. All persons believed to be in possession of illicit drugs must be reported to the local law enforcement agency.
   3. All persons of minority age believed to be in possession of alcohol must be reported to the local law enforcement agency.
   4. Following due process procedures, the Dean of Students or designee, the Residence Life Manager or designee, after Consultation, the Safety Department may apply one of the sanctions listed herein.

Drug and Alcohol Services at WITCC

Counseling services are available on the Sioux City campus on weekdays. While the college counselors are not involved in long term therapy, they will work with students and can make a referral to a community resource agency for longer term care. This would include Siouxland Mental Health Center and Jackson Recovery. The counselor is also a resource for the other college campuses and learning centers and is available for consultation by phone at 712-274-8733, ext. 1293; and can make referrals to agencies in those local communities.

While there is no formal employee assistance plan for employees of the College, the insurance program does provide benefits for mental health counseling and addiction services. Questions on these benefits can be directed to the Human Resources Department.

Timely Warning Procedure

WITCC is concerned about the safety of students and employees. Should an incident occur, on any of the WITCC campuses or learning center or at an off campus location, that in the judgment of the Safety Supervisor or designee presents a continuing threat to safety on campus, a timely warning notification will be issued. The Safety Supervisor will develop a timely warning notice which will notify members of the college community about serious crimes against people that occur on campus, should it be determined that an on-going threat may exist. The trigger for a timely warning notice is whether a continuing threat to the safety of the campus community exists based on the facts of the case and information known by the Safety department. Major crimes such
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,
Cherokee and Denison have the authority to immediately notify the college community through prerecorded messages. Notification of a full building evacuation, shelter in place or lockdown will be made over the public address system. This announcement will advise building occupants of actions that should be taken. Pre-recorded announcements that cover weather related emergencies and physical violence will be utilized. Other situations will involve customized messages over the public address system which will be approved by an incident coordinator or designee and will include information directly related to the emergency. Due to the size of the Beltway Center, LeMars and Mapleton learning centers, notification will come through staff at the building. Activation of the fire alarm system in any building will result in a full evacuation. Upon activation of the alarm building occupants are expected to leave the building in an orderly fashion through the nearest exit. Occupants must move to at least 150 feet from the building. Reentry to the building will be permitted only after approval of the incident coordinator in charge. In addition, the mass notification system and social media will be used to advise others in the community of the emergency, either through pre-planned or customized messages. The content of customized messages will again be determined by the incident coordinator in charge and will be directly related to the emergency. The primary incident coordinators for WITCC are the Safety Supervisor, Director of Physical Plant and College Safety, Vice President of Finance and Administrative Services and the Dean of Information Technologies. Dissemination of follow up information will utilize the public address and mass notification systems as appropriate.

WITCC has produced videos regarding actions that can be taken by students, staff and faculty in these situations. These videos have been posted on MyWIT homepage under the “Safety” tab and may be viewed at any time by students and employees. An Emergency Response Guide along with Tornado, Fire and Secure Your Area posters have been placed in each classroom and work space area which list specific precautions that should be taken. These procedures are also available to employees and students in the campus Emergency Action Plan, which is available under the “Safety” tab on MyWIT. Publicizing emergency response and evacuation procedures takes place in College Experience classes which are required for all incoming freshmen each semester. In addition, an e-mail notification regarding the content and location of the instructional videos and Emergency Action Plan will be sent to all students, staff and faculty prior to the first test of the academic year.

Emergency response and evacuation procedures are tested on at least an annual basis on all WITCC campuses. Tests consist of activating the fire alarm system for full building evacuations as well as activating messages over the public address systems to test severe weather and campus secure your area procedures. After each drill there is a debriefing with involved parties who oversee the drill to address procedural issues which are documented. In addition, an e-mail is sent to staff and faculty with a request to contact the Information Technologies department concerning any problems with the emergency notification systems. Because emergencies can happen at any time, these tests are conducted at different times of the day and are unannounced.

Starting in 2019 the College has been involved in a long-term ongoing multi-stage Fire System update, centralization and consolidation project.

Chart of the Emergency drills performed.

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<thead>
<tr>
<th>Type</th>
<th>Emergency</th>
<th>Date</th>
<th>Locations</th>
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<tbody>
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<td>Unannounced</td>
<td>Severe Weather</td>
<td>9/16/20</td>
<td>All Campuses</td>
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<tr>
<td>Unannounced</td>
<td>Fire</td>
<td>8/5/20</td>
<td>All Campuses</td>
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Student Housing Missing Person Protocol

As part of the Higher Education Act of 2008, Western Iowa Tech Community College is required to advise students living on-campus of its missing person policy and protocol. All students living on-campus will be given the opportunity to identify an individual to be contacted in the event that the student is determined to be missing. This information is optional for students who have attained the age of majority. Juvenile students who are not emancipated and are living on-campus will be required to provide the contact information for their parent or legal guardian in addition any contact person designated by the student. Student Housing will ask for this information upon initial check-in. Students who decide not to provide third party contact information will be asked to sign a form noting such. This form will be placed in the student’s housing file. If the student does provide contact information, it will be the student’s responsibility to ensure that the information remains current. All contact information will be considered confidential, accessible only to authorized campus officials and law enforcement and it will not be disclosed outside of a missing person investigation.

Any missing person report will be immediately forwarded to Campus Safety and Student Housing for investigation. Upon determining that the student is missing, Campus Safety will be responsible for notifying the individual identified as the student’s contact. If the student is a juvenile and not emancipated the institution will also notify the custodial parent or guardian. In addition, regardless of the student’s age, Campus Safety will notify the Sioux City Police Department unless the Sioux City Police Department was the entity that made the determination that the student is missing and the Dean of Students of the missing student. These notifications will take place no later than 24 hours after the time that the student has been determined to be missing and has not returned to campus.

Student Housing Fire Safety Protocol and Fire Incident Log

As part of the Higher Education Act of 2008, Western Iowa Tech Community College is required to advise the college community of annual fire safety reports for student housing. At Western Iowa Tech Community College, there are three housing complexes, Bur Oak Suites, Prairie Place Suites and Sun Ridge Court. Bur Oak Suites and Prairie Place Suites are dormitory style living. They are equipped with a sprinkler system, internal fire alarm system including CO2 monitor and smoke detectors in the common areas. In addition, there is a stand-alone smoke detector in suite. Fire extinguishers are placed throughout the common areas of the building. The alarm system is also connected to the main college alarm system. Fire drills are conducted four times a year on the main campus. These drills would also include both Bur Oak Suites and Prairie Place Suites.

Sun Ridge Court consists of 10 apartment buildings. Each apartment has stand-alone smoke detectors and fire extinguishers located in the kitchen pantries. Due to the apartment style living and separate buildings in Sun Ridge Court, there are no fire alarm systems in the complex and fire drills are not conducted. No plans are in place for improvements for the three residential housing areas on campus and are within the requirements of compliance HEA 2008 as well as local and state codes.

Certain appliances are not permitted in the Student Housing units in Sun Ridge Court; they are
as follows, but not limited to:
· Mini-Refrigerators · Mini-Dishwashers · Mini-Deep Freezers · Gas or Charcoal Grills · Mini-Laundry Machines, portable electric appliances, smoking; and open flames.

Other appliances not listed above must have prior approval by the Student Housing Management in order to avoid disciplinary action. There are several appliances that are permitted in the Student Housing units in either Bur Oak Suites, Prairie Place Suites or Sun Ridge Court, they are as follows, but not limited to:
· Electric Grills/Griddles · Toasters · Microwave Ovens · Coffee Pots

Candles, when burned, are a fire hazard and are not allowed in Student Housing units. However, they are allowed as decoration and can be used with a candle warmer.

Western Iowa Tech Community College is a smoke free/tobacco free campus. Smoking is not permitted on the college grounds or in vehicles on the campus.

At the beginning of each semester, Housing staff at each complex covers the procedures for evacuation with their residents. In addition, posters with directions for fire evacuation are posted on the inside of each apartment or suite door. All incidents of a fire occurring or having occurred should be reported to WITCC campus Safety officers by calling 712-274-6414 or occurring fires to the jurisdictional fire departments through 911.

Western Iowa Tech Community College has created a training video, which is college specific, on procedures to follow in the event of a fire alarm. This video is posted on the MyWIT homepage under the “Safety” tab and is accessible to all students, staff and faculty. Fire extinguisher training is provided to employees of the College periodically. In addition, fire alarm procedures are listed in the College Emergency Action Plan which is available to staff and faculty through the MyWIT website. Upon activation of the alarm building occupants are expected to leave the building in an orderly fashion through the nearest exit. Occupants must move to at least 150 feet from the building. Reentry to the building will be permitted only after approval of the incident coordinator in charge.

Statistical information listing the number of fires, causes, number of injuries and deaths and property damage amounts are shown in the chart below:

**FIRE SAFETY REPORT**

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Cause of Fire:
Procedures and Penalties for Alcohol and Illegal Drug Use

Alcohol Prohibited
The possession of alcohol is prohibited in all areas of the College, including all areas of the residence halls. This prohibition includes complex grounds, common areas, and parking lots. Possession of empty alcoholic containers is not permitted for any purpose. Violations of the policy will result in disciplinary action through the College and possible referral to law enforcement.

An alcohol violation is defined as follows: Direct observation of alcohol consumption or possession of alcoholic beverages or the inability of a student to function in a safe manner due to consumption of alcohol (public intoxication) on College property. Residents will be held accountable for their guests, including their possession of alcohol on College property. Anyone present in a suite or apartment where alcohol is found will be deemed in violation of the alcohol policy.

Sanctions:

1st violation
A student in violation of the College alcohol policy will be issued a citation to appear before the Student Justice Hearing Officer within 3 business days. A fine of $100 will be charged to the student’s College account. The student will also be required to complete an online alcohol education course. Guests of students will be issued a “no trespass” order from College property for a period of no less than 15 days.

2nd violation
A student in violation of the College alcohol policy will be issued a citation to appear before the Student Justice Hearing Officer within 3 business days. A fine of $200 will be charged to the student’s College account. The student will be required to complete five hours of community service. The student will also be required to meet with the College counselor and follow the counselor’s recommendations, including an alcohol assessment at Jackson Recovery performed at the student’s expense, if ordered. 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. Guests of students will be issued a “no trespass” order from College property for a period of no less than 30 days.

3rd violation
The student will be required to meet with Student Justice Hearing Officer. Under most circumstances, a student will be required to move out of campus housing within one week of a determination of responsibility. The housing deposit will be retained, and any housing refund will be issued according to the occupancy fee refund schedule.

Students who have been removed from campus housing because of repeated alcohol violations will be permitted to reapply for campus housing after a full semester has passed. Decisions to grant or deny reapplication will be at the discretion of Dean of Students. Decisions will be based on the likelihood that the student will incur future code of conduct violations and the level of cooperation on the part of the student during past code of conduct violations. All students...
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 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**

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<tr>
<th>Offense (Reported by Hierarchy)</th>
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<th>On-Campus</th>
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<th>Total</th>
<th>Residential Facilities</th>
<th>Unfounded Crimes</th>
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**HATE CRIME REPORTING:** There were no hate crimes reported for 2018, 2019, or 2020

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### Cherokee

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HATE CRIME REPORTING: There were no hate crimes reported for 2018, 2019, or 2020

Crime statistics for Cherokee campus also include the LeMars Learning Center as non-campus property

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**HATE CRIME REPORTING:** There were no hate crimes reported for 2018, 2019, or 2020

Crime statistics for Denison campus also include the Mapleton Learning Center as non-campus property

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**Sioux City**

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HATE CRIME REPORTING: There were no hate crimes reported for 2018, 2019, or 2020

### Sexual Assault, Domestic Violence, Dating Violence, Stalking

Western Iowa Tech Community College prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking. Western Iowa Tech Community College does not discriminate on the basis of sex in its educational programs and sexual harassment and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Western Iowa Tech Community College issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a College official. In this context, the College prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the college community.

The following are Western Iowa Tech Community College’s policies governing sexual misconduct:

**BOARD POLICY WESTERN IOWA TECH COMMUNITY COLLEGE**
Series Number 506.7

Title Health and Safety Regulations and Procedures

Sexual Abuse

Western Iowa Tech Community College is pledged to maintain an environment conducive to work and study for all persons. Accurate and prompt reporting of incidents of sexual abuse will be facilitated through the dissemination and discussion of materials covering the rights and responsibilities of students and employees and of policies governing appropriate conduct. Such dissemination and discussion will take place during student orientation and registration and at other times as deemed necessary.

Information will be provided to all students about counseling services and campus safety. 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.

Sexual abuse shall be as defined in Iowa Code Section 709.1.

BOARD POLICY WESTERN IOWA TECH COMMUNITY COLLEGE

Series Number 400.10

Title All Personnel

Harassment

Harassment of employees and students will not be tolerated. This includes incidents within college facilities, college premises, and on other property if the employee or student is at any college sponsored or related activity or function, such as field trips where students are involved in a college-supervised activity or where the employee is engaged in college business.

Harassment includes, but is not limited to, race, creed, color, sex, national origin, religion, age, disability, sexual orientation, gender identity, actual or potential parental, family or marital status in its programs, activities or employment practices as required by State and Federal Civil Rights Regulations. Harassment by Board members, administrators, employees, parents, vendors, and others doing business with the College is prohibited. Employees whose behavior is alleged to be in violation of this policy will be subject to the investigation procedure which may result in discipline up to and including discharge or other appropriate action. Other individuals whose behavior is alleged to be in violation of this policy will be subject to appropriate sanctions as determined and imposed by the President or Board.

Sexual harassment shall include, but not be limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

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

Other types of harassment may include, but not be limited to, jokes, stories, pictures or objects that are offensive, tend to alarm, annoy, abuse, or demean certain protected individuals and groups.

Employees and students who believe they have suffered harassment shall report such matters to one of the designated harassment conciliators.

Upon receiving a complaint, the conciliator shall confer with the complainant to obtain an understanding and a statement of the facts. It shall be the responsibility of the conciliator to promptly and reasonably investigate claims of harassment and to pass the findings on to the President who shall complete such further investigation as deemed necessary and take such final action as deemed appropriate. Information regarding an investigation of harassment shall be confidential to the extent possible, and those individuals who are involved in the investigation shall not discuss information regarding the complaint outside the investigation process.

No one shall retaliate against an employee or student because the student or employee has filed a harassment complaint; assisted or participated in a harassment investigation, proceeding, or hearing regarding a harassment charge; or because they have opposed language or conduct that violates this policy.

It shall be the responsibility of the Board members, administrators, employees, students, and others having business or other contact with the College to act appropriately under this policy. It shall be the responsibility of the President to inform and educate employees or students and others involved with the College about harassment and the College's policy prohibiting harassment.

This policy and accompanying regulations shall only apply when an employee is the victim of an alleged harasser, or an employee is the alleged harasser. It shall be the responsibility of the President, in conjunction with the conciliators, to develop administrative procedures regarding this policy.
The College has designated a group of employees to participate in Civil Rights Investigator training. This team consists of members from Campus Safety, Judicial Affairs, Human Resources, the Title IX Coordinator, Dean of Students office and Campus Housing. The investigators meet periodically throughout the year to review, develop and revise protocols, policies and procedures for addressing domestic violence, dating violence, sexual assault and stalking on campus.

A. Definitions

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.

Sexual Assault: Means an offense classified as rape, fondling, incest or statutory rape under the uniform crime reporting system of the Federal Bureau of Investigation — Appendix A of 334CFR Part 668.

Iowa Chapter 709.1: Sexual Abuse Defined.
Any sex act between persons is sexual abuse by either of the participants when the act is performed with the other participant in any of the following circumstances:

A. The act is done by force or against the will of the other. If the consent or acquiescence of the other is procured by threats or violence toward any person, or if the act is done while the other is under the influence of a drug-inducing sleep or is otherwise in a state of unconsciousness, the act is done against the will of the other.
B. Such other participant is suffering from a mental defect or incapacity which precludes giving consent, or lacks the mental capacity to know the right and wrong of conduct in sexual abuse.

Such other participant is a child. A child is a person aged fourteen or younger. NOTE: The term sex act or sexual activity means any sexual contact between two or more persons, by penetration of the penis into the vagina or anus, by contact between the mouth and genitalia or anus of another person, or by the use of artificial sexual organs, or substitutes therefore in contact with the genitalia or anus.

- Rape is defined as 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 the consent of the victim.

- Fondling is defined as the touching of the private parts of another person for the purposes of sexual gratification, without the consent of the victim, including instances
where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- **Incest** is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **Statutory Rape** is defined as sexual intercourse with a person who is under the statutory age of consent.

**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 cohabitating with or has cohabited 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 in which the crime of violence occurred, or by 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 which the crime of violence occurred.

**Iowa Chapter 236: Domestic Abuse Defined**

“Domestic abuse” means committing assault as defined in section 708.1 under any of the following circumstances:

a. The assault is between family or household members who reside together at the time of the assault.

b. The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault.

c. The assault is between persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time.

d. The assault is between persons who have been family or household members residing together within the past year and are not residing together at the time of the assault.

e. (1) The assault is between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. In determining whether the person are or have been in intimate relationship, the court may consider:

- The duration of the relationship
- The frequency of interaction
- Whether the relationship has been terminated
- The nature of the relationship, characterized by either party’s expectation of sexual romantic involvement.

(2) A person may be involved in intimate relationship with more than one person at a time.

**Dating Violence:** Means violence committed by a person—who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length
of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

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

i. For the purposes of this definition—
   A) *Course of conduct* means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method, device, or means follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property.
   B) *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
   C) *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

ii. For the purposes of complying with the requirements of this section and section 668.41, any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

**Iowa Chapter 708.11: Stalking Defined**
Purposefully engages in course of conduct that would cause reasonable person to fear bodily injury or death to himself or immediate family; perpetrator knows or should have known that person would be fearful and course of conduct actually induces fear.

**SCHEDULE OF WELLNESS WORKSHOPS CALENDAR 2020**

**STUDENT EDUCATION:**

- **Present at all College Experience classes:** offering education on the basics of anxiety/depression issues and how it impacts students/learning; also advertise my services, Kurzweil, Disabilities Services and any upcoming workshops/events I am hosting. 20 plus presentations between Sioux City and Denison Campus ONGOING EACH SEMESTER.
- **Housing Orientation:** provided mandatory education to all students in housing; all three dormitories January 18 and August 23, 2020 after move in weekend.
  - Substance Abuse
  - Inclusion
  - Title IX services
- ** Dating and Relationship Series:** 3 one-hour panel sessions over the lunch hour in the cafeteria with local professionals of health and public service institutions
• Students are able to anonymously text/email questions about sexuality, sexual safety, consent, LGBTQ issues, and safe sex practices and then the panel answers their questions live during the lunch hour in a fun and relaxed atmosphere February 5, 12, and 19, 2020.

**Director of Activities and Counseling Services Programming:**

During mid semester, Western Iowa Tech was forced to closed the doors due to COVID-19 epidemic. Student Activities immediately started to focus on virtual activities for the remainder of the Spring semester. Engaging in the following virtual activities:

• Weekly Discussion with College Counselor and Disabilities Coordinator (discuss anxiety and mental illness)
• We have also created a survey with the help of marketing and IR group, we’ve created a resilience survey to send to housing. This is a wellness check on our students living on campus for the summer and fall semesters. This quick survey covers 11 questions related to their overall health, wellness, food supply, academic needs/supports, and transportation needs. Teresa McElroy (College Counselor) and Student Activities sent this throughout the summer and fall semesters.
• July, 2020 due to COVID we purchased a program called TAO (Therapy Assistance Online) for students to use on their own by establishing their own account. WIT specifically contracted with the program to offer an online version of TITLE IX training that was mandatory for all students in housing and offered to all students in SDV108. This took the place of our history offering this training in person with a substance abuse education portion as well. TAO offered both the substance abuse education as well as the TITLE IX training.
• We continued to use BASICS (Brief Alcohol and Substance Inventory for College Students) as our assessment tool for all students who had drug/alcohol violations. Based on their responses, the appropriate level of intervention/treatment was recommended to the student.
• SDV 108 continued to use BASICS as a part of their core curriculum. Every student who took College Experience had to complete the inventory for a self-assessment tool of their drug, alcohol and smoking use.
• Coping with Mental Illness by way of Jessi Beyer September 2nd, 2020.
• Educational Session from ASAC (Area Substance Abuse Council)
• Sex Signals (Sexual Assault Awareness) September 16, 2020
• We offered a COVID clinic on campus in partnership with Siouxland Community Health Center from 8/31-9/21/20 for testing purposes.
• 9/11/21 we hosted an online educational workshop entitled Empower and Educate. The curriculum was centered around supporting people with mental illness and the risk of burnout for caregivers. There was a large portion of this dedicated to suicide awareness and education. This was done as a part of September Suicide Awareness month.
• 9/16/21 Hosted an education and awareness training session in Project Success on depression and suicide awareness.
• Mental Illness Awareness Week October 5–9, 2020
• National Coming Out Day Speaker October 11, 2020
• Diversity Speaker October 26, 2020

**STUDENT SERVICES AND SOCIAL/CULTURAL AWARENESS ACTIVITIES:**

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**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](mailto: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.

**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.

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**
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.

\[ h. \quad \textit{Standard of Proof} \]

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