

This Policy is intended for students and staff of Indian Hills Community College and is current as of 2020. For questions about This Policy or to verify that it is current, please contact the Title IX Coordinator for Students/Dean of Student Affairs at (641) 683-5152 or the Title IX Coordinator for Staff/Director of Human Resources at (641) 683-5175.

INDIAN HILLS COMMUNITY COLLEGE

Sexual and Gender-Based Misconduct Policy

I. Statement of Purpose and Values

Indian Hills Community College is dedicated to providing a learning, living, and working environment that is free from sexual assault and discrimination. We are committed to ensuring a safe campus climate for all of our students and the entire College community. We promote fundamental rights, advance individual and institutional integrity, and uphold the vital aims of Title IX.

Indian Hills Community College prohibits sexual and gender-based misconduct in any form, including sexual assault, sexual harassment, gender-based harassment, sexual exploitation, stalking, intimate partner violence (domestic violence and dating violence), and retaliation, all as defined in *Section VII* of This Policy. The College will respond to reports of sexual and gender-based misconduct in accordance with This Policy.

II. Title IX

Title IX of the Education Amendments of 1972 is a federal law that states “No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any educational program or activity receiving federal financial assistance.”

Subsequent guidance from the Office for Civil Rights clarified that educational institutions should regard sexual harassment, including all forms of sexual violence, as a form of sex discrimination prohibited by Title IX. Educational institutions, including Indian Hills, have trained Title IX Coordinators, adopted Sexual and Gender-Based Misconduct Policies, and expanded prevention and education efforts on campus.

For more information, [click here](#).

III. Notice of Non-Discrimination

Non-Discrimination Policy: *It is the policy of Indian Hills Community College not to discriminate on the basis of race, color, national origin, sex, disability, age (employment), sexual orientation, gender identity, creed, religion, and actual or potential parental, family, or marital status in its programs, activities, or employment practices as required by the Iowa Code §§216.6 and 216.9, Titles VI and VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000d and 2000e), the Equal Pay Act of 1973 (29 U.S.C. § 206, et seq.), Title IX (Educational Amendments, 20 U.S.C §§ 1681 – 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and Title II of the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.).*

If you have questions or complaints related to compliance with this policy, please contact Alix McPherson, Associate Dean, Student Development, 525 Grandview Ave, Ottumwa, IA 52501, (641) 683-5155, equity@indianhills.edu (students, faculty and staff); Noel Gorden, Executive Dean, Centerville

Campus and Learning Services, 683-5174, learningservicesequity@indianhills.edu (students with disabilities); U.S. Department of Education, Citigroup Center, 500 W. Madison, Suite 1475, Chicago, IL 60661, phone number (312) 730-1560, fax (312) 730- 1576.

[Read the full policy here](#)

IV. Policy Scope

a. Who This Policy covers

This Policy applies to all Indian Hills Community College students, all individuals employed by Indian Hills Community College, and all third-party vendors related to Indian Hills Community College. In particular, This Policy protects students, employees, and third-party vendors, regardless of sexual orientation or gender identity, who fit either of the following descriptions:

1. Are victims of any form of sexual or gender-based misconduct, by any other person (student, employee, or others outside the College community)
2. Are accused of engaging in behavior prohibited by This Policy

Any person may file a complaint alleging sexual or gender-based misconduct against a student or employee. However, with respect to any complaint that is 1) by a person who is not a member of the College community, and 2) relating to non-College conduct, the College reserves the right to determine, in its sole discretion, whether the conduct described in the complaint bears a sufficient nexus to the educational program or employment relationship of an Indian Hills student/employee or constitutes a sufficient risk to the College community to proceed under This Policy.

b. Geographic Location

This Policy is applicable to College community members (faculty, staff, and students) regardless of the geographic location or virtual location of the incident.

c. Conduct This Policy Covers

This Policy encompasses any unwelcome conduct of a sexual nature that is committed without consent, including by force, intimidation, coercion, or manipulation. Sexual and Gender-based misconduct can be committed by a person of any gender, and it can occur between people of the same or different gender. Conduct prohibited under This Policy is further defined in *Section VII*.

d. Amnesty for Investigation Participants

The College encourages all individuals to report incidents of sexual and gender-based misconduct and to participate in good faith in an investigation into an incident of misconduct. The College will not pursue disciplinary action against those individuals for improper use of alcohol or other drugs.

e. Retaliation

It is the policy of Indian Hills Community College that no retaliatory action shall be taken against any person exercising their rights as an employee or student, irrespective of the outcome of any procedure instituted hereunder.

f. Time Frames for Reporting and Response

The College strongly encourages prompt reporting of complaints and information. While there is no time limit in invoking This Policy in responding to complaints of alleged sexual or gender-based misconduct, a complaint should be submitted as soon as possible after the event takes place.

Individuals are encouraged to report sexual and gender-based misconduct immediately in order to maximize the College's ability to respond promptly and equitably. The College does not, however, limit the time frame for reporting. The College will not be able to pursue disciplinary action against an individual who is no longer affiliated with the College. Under those circumstances, the College will still conduct a Title IX review and offer resources to Complainants or reporting students.

In all cases, the College will conduct a prompt and equitable investigation of allegations of sexual and gender-based misconduct. 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 alter or extend time frames, with notice to the parties, as appropriate. The time it takes to complete the resolution of a sexual or gender-based misconduct 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. However, the College would not halt or suspend a case because of an ongoing criminal investigation.

V. Privacy and Confidentiality

Indian Hills Community College is committed to creating an environment that encourages individuals to come forward if they have experienced or witnessed any form of sexual or gender-based misconduct. The College will work to safeguard the identities and privacy of individuals who seek help or who report sexual or gender-based misconduct. However, it is important to understand the limits of confidentiality of individuals who may be contacted for assistance. Different individuals, depending on their positions, have different obligations regarding confidentiality.

a. Confidential Communications

Under Iowa law, communications with some individuals are confidential. If the individual reporting wants to maintain confidentiality, they should always confirm whether confidentiality applies to the communication before they make the communication. Generally, confidentiality applies when services are sought from the following persons:

- Trained and statutorily certified victim's advocate (Eg. Family Crisis Center)
- Licensed Psychological counselor (including counselors at Student Health and Wellness)

- Licensed Health care provider (including medical professionals at Student Health and Wellness)
- Personal attorney representing the victim
- Religious/spiritual counselor

The following organizations and offices can provide services to any individual who would like to speak with someone confidentially:

[Crisis Intervention Services](#)

(641) 673-0336
 24 Hours Crisis Line: 1-800-270-1620
 Indian Hills Community College - Trustee Hall or

www.stopdvsa.org

Locations and counties served:

Office:
 500 High Ave. West
 Oskaloosa, IA 52577

- Ottumwa Campus (Trustee Hall)
- Centerville Campus (Opposite Room 17)
- Counties served: Appanoose, Davis, Jasper, Mahaska, Marion, Monroe, Lucas, Keokuk, Poweshiek, Wapello, and Wayne

Crisis Intervention Services provides trained advocates to assist victims of sexual assault. Advocates can assist individuals with medical and legal advocacy, counseling, and case management. Advocates can speak with victims confidentially. Any communication with a Crisis Intervention Services advocate is legally protected under Iowa Code Section 915.20, which allows for confidential communications that cannot be disclosed without permission.

Family Crisis Center

(641) 683-1750
 24 Hour Crisis Line: (800) 464-8340

[Family Crisis Center](#)

Counties Served:

- Appanoose, Davis, Jasper, Jefferson, Keokuk, Lucas, Mahaska, Marion, Monroe, Poweshiek, Wapello, and Wayne

The Family Crisis Center offers support services for victims of intimate partner violence. Services include safety planning; legal advocacy; counseling and support groups; medical advocacy; language services; and assistance finding housing, food, and other resources. Any communication with a Family Crisis Center advocate is legally protected under Iowa Code Section 915.20, which allows for confidential communications that cannot be disclosed without a student's permission.

Iowa Coalition against Sexual Assault

(515) 244-7424

24 Hours Crisis Line: 1-800-770-1650

<https://www.iowacasa.org/>

Indian Hills Counseling and Prevention Resource Center

Ottumwa Campus

Trustee Hall, (First Floor)

(641) 683-5152

counseling.services@indianhills.edu

Open Mon-Thur

7:15 a.m. – 4:45 p.m.

IHCC Counseling and Prevention Resource Center

Students can schedule an appointment with a counselor during office hours, Monday - Thursday. Sessions are typically scheduled from 8:00 am – 4:00 pm. Mental Health services are free to Indian Hills Community College students.

After Hours Emergency: (641) 683-5300

In an emergency after hours, students may call Indian Hills Community College security, or the student can call the local crisis line to speak with a trained counselor, social worker, nurse, or psychologist (641) 682-8772. If it is preferred to see someone in person after hours, please go to the Emergency Room at the Ottumwa Regional Health Center or the Emergency Room at your local hospital.

For a complete list of campus, community, and national confidential advocacy and support services, including cultural specific resources, please *see Section XIII*.

Responsible Employees

College employees, except for mental health professionals in Counseling and Prevention Resource Center, are not confidential resources. They are considered "Responsible Employees" and are required to share knowledge of prohibited conduct under This Policy with a Title IX Coordinator, however they will not share information with any other faculty, staff, or student. In the event a Title IX Coordinator receives a complaint, the Title IX Coordinator will contact the complainant to inquire whether they would like to make a formal complaint or receive information about resources/supportive measures.

Timely Warnings and Clery Compliance

The College must balance the needs of the individual student with its obligation to protect the safety and well-being of the community at large. Therefore, depending on the seriousness of the alleged incident, further action may be necessary, including a timely warning notice. The notice would not contain any information identifying the student who brought the complaint.

As required by law, all information regarding sexual and gender-based misconduct that is received by any Indian Hills Community College employee is tabulated for statistical purposes, without personally identifying information, in annual IHCC-published reports (*e.g.* Annual Security & Fire Safety Report).

In order to protect the confidentiality of victims and other necessary parties, Indian Hills Community College will do the following:

1. Complete publicly available recordkeeping, including Clery Act reporting and disclosures, **without** the inclusion of personally identifying information about the victim.
2. Maintain as much privacy as possible while providing any supportive measures to the parties, to the extent that maintaining such privacy would not impair the ability of Indian Hills Community College to provide the supportive measures.

VI. Supportive Measures

Title IX Coordinator and Campus Security may take immediate actions to protect the safety of the college community, to enable individuals with complaints and witnesses to continue studies and employment, and to ensure the integrity of an investigation. These actions may include, but are not limited to, the following:

- Immediate suspension of the accused student or employee (also referred to as the “Respondent”)
- Modifying class schedules, work schedules, or housing arrangements
- Addressing other academic concerns (*e.g.*, assignments, grades, leaves of absence, withdrawal)
- Safety planning
- Issuance of a no-contact directive if the College determines that continued contact between the individual who has made a complaint, an individual who has been accused of sexual or gender-based misconduct, and/or a witness would be detrimental to the parties’ welfare.
- Access to emergency housing and or transportation.

For details, please contact the Title IX Coordinator (641) 683-5155.

The supportive measures are available if requested and they are reasonably available, regardless of whether the complainant chooses to report the crime to campus security, a Title IX Coordinator, or local law enforcement.

Students may seek supportive measures, like those listed above, without reporting to a Title IX Coordinator or non-confidential College employee. A student and/or confidential advocate can contact

the Indian Hills Community College Counseling and Prevention Resource Center about the need for supportive measures related to an incident of sexual or gender-based misconduct. The counselor or advocate through the Counseling and Prevention Resource Center will coordinate with the Executive Dean, Student Development & Athletics without identifying the reason a student needs accommodation.

VII. Medical Services

In case of emergencies, dial 9-1-1.

Victims of sexual and/or gender-based misconduct or any unwanted touching should consider seeking medical advice for treatment of injuries. In case of exposure to sexually transmitted infections (STIs), for pregnancy concerns, and to preserve evidence of sexual assault so that options can be considered at a later time. A confidential advocate can accompany a victim to the hospital and throughout the reporting process. To request an advocate, please contact the Crisis Intervention Services 24-hour hotline at (800) 270-1620.

a. Sexual Assault Forensic Exams

DNA evidence can be collected from a victim's body, clothing, and other personal belongings. To have this evidence collected, the victim may choose to have a sexual assault forensic exam. The victim does not have to report the crime to have an exam, but the exam allows the victim to have evidence stored in case the individual chooses to report at a later time. Please note that Sexual Assault Forensic Exams are available at no cost.

To learn more about what can be expected during a sexual assault forensic exam and locations that perform these exams, please visit <https://www.rainn.org/articles/rape-kit>.

b. On Campus Medical Services

IHCC Student Health and Wellness

Truste Hall
First Floor
641-683-5336
Open Mon-Thurs
7:15 a.m. – 4:45 p.m.

[IHCC Student Health and Wellness](#)

c. Off Campus Medical Services

Ottumwa Regional Health Center

1001 Pennsylvania Ave
Ottumwa, IA 52501
Phone: (641) 684-2300

Ottumwa Regional Health Center

Mercy Medical Center – Centerville

One St. Joseph's Drive
Centerville, IA 52544
Phone: (641) 437-4111

Mercy Medical Center – Centerville

VIII. Prohibited Conduct

The following section defines the conduct that is prohibited under This Policy. When an alleged incident of sexual or gender-based misconduct is being investigated by a Title IX Coordinator or Investigator, the Coordinator or Investigator will utilize the definitions in this section to determine whether it is more likely than not that This Policy was violated.

a. Gender-Based Harassment

Gender-based harassment is unwelcome conduct of a nonsexual nature based on an individual's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.

- Gender identity - the internal perception of one's gender, and how they label themselves, based on their alignment with options for gender. Common identity labels include man, woman, genderqueer, trans, and more.
- Gender expression – the external display of one's gender, through a combination of dress, demeanor, social behavior, and other factors, generally made sense of on scales of masculinity and femininity. Also referred to as “gender presentation.”
- Non-conformity with gender stereotypes – behaviors that do not fit with traditional perceptions of masculinity and femininity. Also includes imposing one's beliefs about gender onto others.
- Examples of gender-based harassment include but are not limited to:
 - Misgendering someone – referring to someone by different pronouns than what they use, refusing to respect someone's gender identity
 - Using slurs regarding gender towards someone
 - Using slurs regarding gender and other identities (race, age, sexuality, religion, nationality, economic status, ability, citizenship status, sex, marital status, veteran status, etc.) towards someone.
 - Examples include

- Racialized sexual harassment,
- Bullying towards people in non-heterosexual relationships,
- Harassing people who are using religious wear
- Comments, jokes, stories, comics, videos, etc. that are degrading to another person/group/community based around their gender identity/expression
- Refusing to recognize someone's gender identity/expression
- Gender-based patronizing or belittling comments
- Display of pictures with sexual content

b. Dating Violence

Violence 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 is determined by:

- The length of the relationship.
- The type of relationship.
- The frequency of interaction between the persons involved in the relationship.
- The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual, or economic abuse directed towards a partner in an intimate relationship.
- Can be a single act or a pattern of behavior in relationships.

c. Domestic Violence

Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner, a parent of a shared child, a former or current cohabitor as a spouse or intimate partner, or someone similarly situated to a spouse under domestic or family violence laws. . . , or by any other person against a victim who is protected under the domestic or family violence laws[.]

- The use of physical violence, coercion, threats, intimidation, isolation, stalking, or other forms of emotional, sexual, or economic abuse directed towards a partner in an intimate relationship.
- Can be a single act or a pattern of behavior in relationships.

d. Retaliation

Retaliation includes threats, intimidation, reprisals, and/or adverse actions related to employment or education. This Policy prohibits retaliation against a person who reports sexual or gender-based misconduct, assists someone with a report of sexual or gender-based misconduct, or participates in any manner in an investigation or resolution of a sexual or gender-based misconduct report.

e. Sexual Assault

Sexual assault occurs when physical sexual contact or a sexual activity is engaged in without the consent of the other person or when the other person is unable to consent to the contact or activity due to incapacitation.

- Any sexual penetration or sexual contact with another individual without consent.
- Sexual contact includes intentional contact with the intimate parts of another person, causing another person to touch one's intimate parts, or disrobing or exposure of another person without permission.
- Intimate parts may include the breasts, genitals, buttocks, groin, mouth, or any other part of the body that is touched in a sexual manner.
- Sexual intimidation: An implied or actual threat to commit a sex act against another person, or behavior used to coerce participation in a sex act when no sex act actually occurs.

f. Sexual Exploitation

Sexual exploitation involves taking sexual advantage of another person, even though the behavior might not constitute sexual assault. Examples can include, but are not limited to, the following:

- Distribution or publication of sexual or intimate information; including video, audio, or photographs; of or about another person without consent;
- Recording images or audio of another person's sexual activity or intimate body parts without that person's consent
- Transmitting sexual or intimate utterances, sounds, or images without knowledge and consent of all parties;
- Engaging in indecent exposure;
- Viewing another person's sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person's consent and for the purpose of arousing or gratifying sexual desire.

g. Sexual Harassment

A school employee conditioning an educational benefit or service upon a person's participation in unwelcome sexual conduct (often called quid pro quo harassment);

OR

Unwelcome conduct on the basis of sex that is so severe, pervasive and objectively offensive that it effectively denies a person equal access to the school's education program or activity (often called hostile work/educational environment harassment),

Examples including but not limited to

- unwelcome sexual advances; requests for sexual favors;

- other verbal or nonverbal conduct of a sexual nature, including rape, sexual assault, and sexual exploitation.
- In addition, depending on the facts, dating and domestic violence, sexual assault, and stalking are also forms of sexual harassment.

h. Stalking

An individual engages in a course of conduct directed at a specific person that would cause a reasonable person to feel fear. The individual may engage in a wide range of behaviors, including, but not limited to, the following (repeatedly or in combination):

- Contacting someone by phone, email, or other social media or communication technology, even after being told to stop;
- Using social networking sites and other forums to harass, threaten, or release sensitive information about a person;
- Using technology to locate, track, and/or follow another person without their knowledge and/or consent;
- Following another person without that person's permission;
- Appearing at the workplace or residence of another person with no legitimate reason to be there;
- Vandalizing a person's property.

IX. Related Definitions

The definitions in this section clarify terms used throughout the Sexual and Gender-Based Misconduct Policy.

a. Advisor

Each party is permitted to have an advisor of their choice. If one or both parties do not have an advisor, the institution is required to provide one free of charge. The advisor may or may not be an attorney. The advisor will have advisor forms to fill out during investigation. Advisor is permitted to be with the party throughout the Title IX process. During the hearing, the advisor is permitted to ask the other party and any witnesses all relevant questions, challenge credibility, and conduct cross-examination

b. Complainant

The Complainant is the person who has allegedly been subject to sexual or gender-based misconduct and for whom a formal or informal complaint has been made with the College. The Complainant may or may not be the person who initially reported an incident to a Title IX Coordinator or Responsible Employee.

c. Consent

Consent means words or clear, unambiguous actions that show a knowing and voluntary agreement to engage in mutually agreed-upon sexual contact or activity.

- Consent is voluntary. It must be freely given without coercion, force, threats, or intimidation.
- Consent is affirmative. Consent means positive cooperation in the act or expression of intent to engage in the act pursuant to an exercise of free will. Silence or the absence of resistance does not equate to consent.
- Consent is clear. If confusion or uncertainty on the issue of consent arises anytime during the sexual interaction, the sexual contact or activity should cease.
- Consent is revocable. A person can change their mind at any time during the sexual contact or activity.

Consent is ongoing. Consent to some form of sexual contact or activity does not imply consent to other forms of sexual contact or activity. Consent to sexual contact or a sexual activity on one occasion is not consent to engage in sexual contact or sexual activity on another occasion. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent, even in the context of a relationship.

d. Decision-Maker

This person is a neutral 3rd party who oversees the live hearing portion of the Title IX process. The Decision-Maker must issue a written determination regarding responsibility with findings of fact, conclusions about whether the alleged conduct occurred, and rationale for the result as to each allegation.

e. Hostile Environment

A hostile environment exists when sex-based harassment is sufficiently serious to deny or limit an individual's ability to participate in or benefit from the College's programs or activities.

A hostile environment can be created by anyone involved in a College's program or activity (*e.g.*, administrators, instructors, students, third-party vendors, and campus visitors).

In determining whether sex-based harassment has created a hostile environment, the College considers the totality of the circumstances. Therefore, it will be necessary, but not enough, that the conduct was unwelcome to the individual who was harassed. The College will also need to find that a "reasonable person" would have perceived the conduct as undesirable or offensive in order for the conduct to create or contribute to a hostile environment.

To determine whether a hostile environment exists for an individual, the College considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including the following: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context

in which it occurred; and, (5) the degree to which the conduct affect one or more individual's education or work environment.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Likewise, a series of incidents may be sufficient, even if the sex-based harassment is not particularly severe.

f. Immediate Actions

Title IX Coordinators and Campus Security may take immediate interim actions to protect the safety of the college community, to enable individuals with complaints and witnesses to continue studies and employment, and to ensure the integrity of an investigation. These actions may include, but are not limited to, the following:

- Immediate suspension of the accused student or employee (also referred to as the "Respondent")
- Modifying class schedules, work schedules, or housing arrangements
- Addressing other academic concerns (e.g., assignments, grades, leaves of absence, withdrawal)
- Safety planning
- Education/training
- Issuance of a no-contact directive if the College determines that continued contact between the individual who has made a complaint, an individual who has been accused of sexual or gender-based misconduct, and/or a witness would be detrimental to the parties' welfare.
- Immediate access to emergency housing and or transportation.

g. Incapacitation

The inability (temporarily or permanently) to give consent because the individual is mentally and/or physically helpless, asleep, unconscious, or unaware that sexual activity is occurring.

- Being intoxicated by drugs or alcohol oneself does not diminish the responsibility to obtain consent from the other party.
- It is important to consider when determining whether consent was given, whether the accused knew, or whether a reasonable person should have known, that the Complainant was incapacitated.

h. Investigators

Investigators are trained individuals designated by the Title IX Coordinator to conduct investigations of alleged sexual and gender-based misconduct.

i. Personal Identifying Information

Any information about an individual that can be used to distinguish an individual's identity (name, social security number, etc.).

j. Preponderance of the Evidence

Preponderance of the Evidence demonstrates it is more likely than not the conduct occurred. In other words, the standard is 50% plus a feather. Preponderance of the Evidence is the standard utilized by the Title IX Coordinators, Investigators, and the Student Conduct Hearing Board when presented with evidence in a sexual or gender-based misconduct complaint.

k. Respondent

The Respondent is the person or persons who have been formally or informally accused of engaging in acts of sexual or gender-based misconduct and may be subject to College imposed sanctions.

l. Responsible Employee

Responsible Employees on the IHCC campus include any employee that is not specifically listed as "confidential" in This Policy. Responsible Employees are required to report knowledge of alleged sexual or gender-based misconduct to a Title IX Coordinator.

m. Sanction

Sanction is a disciplinary action for disobeying a policy, rule, or law. Sanctions including but not limited to: conduct or housing probation, residence hall ban, campus ban, suspension, expulsion, etc.

n. Sanction Board

The Sanction Board will be the governing body that determines the sanction(s) (disciplinary actions) for those parties who are found responsible for violating This Policy. Please see the "Sanctions" section for examples.

o. Student

The term "student" includes all persons taking courses at Indian Hills Community College, either full-time or part-time, who are pursuing either degree or non-degree programs, including continuing education and distance courses. Persons who withdraw after allegedly violating the Student Conduct Code or Sexual and Gender-based Misconduct Policy, who are not officially enrolled for a particular term but who have a continuing relationship with the College, or who have been notified of their acceptance for admission are also considered "students," although not enrolled in this institution.

p. Supportive Measures

Reasonable steps that the College may take to accommodate the parties while a sexual or gender-based misconduct investigation is pending. Also referred to as "immediate actions" in This Policy.

q. Title IX Coordinator and Deputy Title IX Coordinators

College employees who have been trained to conduct investigations of sexual and gender-based misconduct as possible violations of the College Policy.

r. Timely Warning Notice

Notices are specifically related to compliance with the federal **Clery Act**, which requires colleges and universities to notify students and employees whenever there is a threat that a serious crime is ongoing or may be repeated--so that campus community members can protect themselves from harm.

s. Unwelcome Conduct

Conduct is considered “unwelcome” if the individual did not request or invite it and considered the conduct to be undesirable or offensive.

Unwelcome conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or another sex and/or gender identity.

Participation in the conduct or failure to complain does not always mean that the conduct was welcome. The fact that an individual may have welcomed some conduct does not necessarily mean that an individual welcomed other conduct. Also, the fact that an individual requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.

X. Reporting Policies and Protocols

Title IX provides options for an individual to make a report regarding sexual and gender-based misconduct. If, after reading this section, the options are unclear, please contact a confidential resource (*Section XIII*) to further discuss options and possible outcomes.

a. Emergency Reporting

In an emergency, students and staff should always call 9-1-1. If the situation is not an emergency and an individual would like to make a report, please choose from the below options.

b. Reporting to an Indian Hills Community College Title IX Coordinator or Deputy Title IX Coordinator

Reports of sexual or gender-based misconduct can be made to a Title IX Coordinator or Deputy Title IX Coordinators. Title IX Coordinators and Deputy Title IX Coordinators are College employees who are specially trained to investigate complaints of sexual and gender-based misconduct and to come to a determination whether it is more likely than not that a violation of This Policy occurred.

For more information about the investigation process, please *see Section X*.

Title IX Coordinators

Title IX Coordinator ensures that complaints are handled through consistent practices and standards in accordance with college policy as well as maintaining compliance. When a formal complaint of sexual or gender-based misconduct is made to a Title IX Coordinator, the Title IX Coordinator assigns it to two Investigators. Title IX Coordinator ensures that investigations are handled in a manner that is consistent

with This Policy and Title IX. Title IX Coordinator is responsible for all training for Indian Hills Community College employees (including outside vendors). This person will also review all complaints to identify and address any patterns or systemic issues.

Title IX Coordinator



Alix McPherson, Associate Dean, Student Development
Indian Hills Community College

525 Grandview Avenue Ottumwa, Iowa 52501

Phone: (641) 683-5155 or (800) 726-2585, ext. 5155

Email: Alix.McPherson@indianhills.edu

Deputy Title IX Coordinators

Deputy Title IX Coordinators share information about any reports of sexual or gender- based misconduct with a Title IX Coordinator. Deputy Title IX Coordinators may be assigned to investigate reports of sexual or gender-based misconduct. Additionally, Deputy Title IX Coordinators assist the Title IX Coordinators in ensuring that investigations are handled in a manner that is consistent with This Policy and Title IX and reviewing complaints to identify and address any patterns or systemic issues.

For athletics or students on the Ottumwa Campus:



Andy Summers, Professor, Automotive Technologies
Advanced Technology Center

525 Grandview Avenue Ottumwa, Iowa 52501

Phone: (641) 683-5111, ext.1745

Email: Andy.Summers@indianhills.edu

c. Reporting to Law Enforcement

Because sexual and gender-based misconduct may constitute both a violation of a college policy and a criminal activity, the college encourages, but does not require, students to report concerns of sexual and gender-based misconduct to law enforcement as soon as possible after the incident. A student may proceed under This Policy whether or not the student elects to report to law enforcement as well.

If a student chooses to proceed with a complaint on campus and with law enforcement, the College, if requested by the student, will coordinate with local law enforcement if possible.

The following contact information includes non-emergency numbers for the police departments that serve both of the Indian Hills Community College's main campuses:

Ottumwa Police Department

330 W 2nd St
Ottumwa, IA
Phone: (641) 683-0661

[Ottumwa Police Department](#)

Centerville Police Department

1125 W Van Buren St
Centerville, IA
(641) 437-7100

[Centerville Police Department](#)

d. Reporting to a Responsible Employee

Indian Hills Community College encourages victims and witnesses of sexual and gender-based violence to speak with the individuals on campus that they trust the most. For many students and staff, that person is a Responsible Employee. All College employees, except for medical and behavioral health professionals in Student Health & Wellness, are considered "Responsible Employees" and must share knowledge of prohibited conduct under This Policy with a Title IX Coordinator. Because Title IX Coordinators and Deputy Title IX Coordinators have received specialized training, they are best equipped to help individuals understand their options under Title IX. In the event a Title IX Coordinator is made aware of an incident, the Title IX Coordinator or designee will contact the victim and/or witness to inquire whether they would like to make a complaint or receive information about resources.

e. Reporting Anonymously to Indian Hills Community College

Students can make a report anonymously to Indian Hills Community College through a third party, EthicsPoint, online or over the phone. The person reporting will receive a report key and passcode, which allows the reporting person to remain anonymous but still continue contact with IHCC

administrators to receive resources and information after the initial report. This system is meant to encourage students to report concerns or incidents and receive the support they need when they are not comfortable speaking to a Title IX Coordinator or other Indian Hills Community College employee.

[Online reporting through EthicsPoint](#)

Reporting over the phone through EthicsPoint: (844) 843-5745

XI. Process for Responding to Reports of Sexual and Gender-Based Misconduct

The following section details the process of a sexual or gender-based misconduct investigation. If you have questions regarding this process, please contact a Title IX Coordinator (*see Section IX(b)*).

a. Right to an Advisor

The Complainant and the Respondent may have an advisor and or advocate present to assist them during the investigation process. The advisor/advocate may be an attorney chosen at the individual's expense. However, advisors/advocates are not permitted to speak or to participate directly in the process, including at any hearing before a Student Conduct Hearing Board. Students should select as an advisor/advocate a person whose schedule allows attendance at the scheduled date and time for the hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor or advocate.

b. Initial Meeting with the Complainant

Upon receipt of any report of sexual or gender-based misconduct, the Title IX Coordinator or designee will first schedule a meeting with the reporting individual or the person who allegedly experienced the misconduct, if they are not the same individual, (referred to as "Complainant" for ease of reference, although a report does not necessarily have to result in a formal complaint) in order to provide the Complainant a general understanding of This Policy and to identify forms of support or immediate interventions available to the Complainant. The initial meeting may also involve a discussion of any accommodations that may be appropriate concerning the Complainant's academic, employment, or housing arrangements. Please note that the complaint may withdraw/stop the formal resolution process at any time.

If the Complainant would like assistance throughout any College investigation or adjudication process, the Title IX Coordinator will make a Deputy Title IX Coordinator or Investigator available to the Complainant. This individual is not an "advocate" as that term is used in Section IV, nor is that individual person a representative who will speak on behalf of the Complainant in any investigatory or adjudication process. Rather, the Deputy Title IX Coordinator or Investigator will serve as a point of contact to answer questions and explain processes, to make sure the Complainant's expressed needs are being addressed, and to join the Complainant in meetings if requested. [The same resource will be offered to students accused ("Respondents") of sexual or gender-based misconduct.] Additionally, the Complainant can request the presence of a confidential advocate at any point before or during the Title IX reporting process.

At the initial intake meeting with the Complainant, the Title IX Coordinator or designee will seek to determine how the Complainant wishes to proceed. The Complainant may opt for one of the following: (1) formal resolution (as described in this section); (2) not proceeding (*see Section XIII*).

c. Notification of Title IX Coordinators and Deputy Title IX Coordinators

The Title IX Coordinator will notify the Complainant and Respondent with a Notice of Investigation letter. The Title IX Coordinator will notify the Deputy Title IX Coordinator of the report (even if the Complainant does not wish to proceed). This is to keep the Title IX Team apprised of any potential patterns of misconduct and/or the need for further training or other prevention measures.

d. Respondent Elects to Accept Responsibility (Informal Resolution)

At any point prior to the live hearing, the Respondent may elect to admit responsibility for the alleged violation of the Sexual or Gender-based Misconduct Policy. In such cases, the parties will negotiate until a resolution is agreed upon. The Title IX Coordinator or designee will propose the final resolution to the complaint. If both the Complainant and Respondent agree to the proposed resolution, the complaint is resolved without any further rights of appeal by either party. Both parties will be required to sign an Informal Resolution Agreement. If either the Complainant or the Respondent objects to the proposed resolution, the complaint will return to negotiation or resume in the formal process.

e. Investigation

When the Complainant indicates a desire to pursue formal resolution, the Title IX investigator(s) will meet with the Complainant to audio record the Complainant's interview. The Investigator(s) may be a College administrator or someone retained by the College, such as an attorney, or another person trained to conduct investigations of sexual or gender-based misconduct. The Investigators serve as neutral fact-finders who, during the course of the investigation, typically conduct interviews with the Complainant, the Respondent(s), and each third-party witness; visit and take photographs at each relevant site; and where applicable. The Investigators will coordinate with law enforcement agencies to collect and preserve relevant evidence and file reports if requested by the Complainant. Once the evidence has been collected and documented, both parties will have 10 business days to review the evidence that was submitted. After the 10 days, the evidence will not be available for viewing.

f. Investigative Report

After conducting the investigation, the Investigator(s) will complete a report that includes, among other information, the following:

- Summaries of interviews with the Complainant, the Respondent, and each third-party witness; photographs of relevant sites and related logs; electronic and forensic evidence; and a detailed written analysis of the events in question.

Each party will be permitted 10 business days to review the Investigative Report. Each party will be required to submit approval of the Investigative Report electronically. Hard copy format will be made available upon request by contacting the Title IX Coordinator. Following the 10 business days, the Investigative Report will be submitted to the Title IX Coordinator as well as the Decision-Maker.

g. Notice of Hearing and Pre-Hearing Meetings

When a hearing is scheduled, the Title IX Coordinator will provide written notice to both parties. In addition, the Title IX Coordinator will be available to answer any question or concerns about the hearing procedures.

h. Hearing

Once the Decision-Maker has received and reviewed the Investigative Report, a live hearing will be scheduled. Both parties and their advisors are required to attend the hearing either in person or via electronic format during the scheduled time. Each party's advisor is permitted to ask the other party and any witnesses all relevant questions, challenge credibility, and conduct cross-examination. If questions of relevance occur the Decision-Maker will have the final say, before the party/witness answers any questions. Once the Decision-Maker deems the evidence submitted to be sufficient for a conclusion to be reached, the hearing will be concluded. The Decision-Maker will then determine if there was a violation of The Policy, and an electronic letter with the findings of the hearing will be sent to both parties through the institution's Maxient system.

i. Standard of Proof

The determination of whether or not a violation of This Policy occurred will be made on the basis of whether it is more likely than not that the Respondent violated This Policy. This standard is more formally referred to as the "preponderance of evidence" standard. In making its determination, the Decision-Maker will carefully consider all of the evidence presented and follow the procedures stated in This Policy and the applicable sections of the Student Conduct Code in order to ensure as fair of an investigation as possible for all parties.

j. Sanction Board Decision

The Sanction Board will review the Investigative Report as well as the final determination from the Decision-Maker. The board will then determine the appropriate sanction for the policy violation(s). The Sanction Board may impose any sanction that they find to be fair and proportionate to the violation and in accordance with Article IV of the Student Conduct Code. The Student Conduct Code can be found at: www.indianhills.edu/studentconduct

k. Notice to Complainant and Respondent

The Decision-Maker will then determine if there was a violation of The Policy, and an electronic letter with the findings of the hearing will be sent to both parties through the institution's Maxient system. If either the Complainant or Respondent wishes to appeal the Decision of the Title IX Coordinator, they must follow the "Appeals" process (*see Section XI (k)*).

k. Appeals

An Appeal can be made by either the Complainant or Respondent. Any request to appeal must be submitted in writing within 5 business days of delivery of the written decision. The written appeal must include the grounds for appeal.

The grounds on which an appeal may be permitted:

- Procedural irregularity that affected the outcome of the matter
- New evidence not reasonably available at the time of the determination regarding responsibility or dismissal was made (Evidence could affect outcome)
- Title IX Coordinator, Investigator, or Decision Maker had conflict of interest or bias for or against either party that affected the outcome.

The Appeal Decision-Maker will review the request for appeal. If granted, the appeal will be reviewed by the Decision-Maker and Appeal Decision-Maker.

I. Notice of Hearing and Pre-Hearing Meetings

If a hearing is scheduled, the Title IX Coordinator will provide written notice to both parties pursuant to Article IV. A. 4 of the Student Conduct Code. In addition, the Title IX Coordinator or designee will schedule separate meetings with the Complainant and the Respondent to review the hearing procedures.

m. Appeal Outcome

The Appeal Decision-Maker will then determine if a change is required from the findings of the hearing. An electronic letter with the outcome of the appeal will be sent to both parties through the institution's Maxient system.

n. Privacy

The College takes your privacy and that of the other individual(s) involved in this case very seriously. We will take all reasonable measures to ensure your privacy throughout this investigation. Anything you disclose to us may be included in our report and considered in the complaint resolution procedure. Any records generated by this investigation will be kept in a secure and monitored software program. All hard/paper copies are scanned into that software as well. The College is required to keep those records for seven years. After the seven years, the records are shredding/deleted from the software program. Complaint records will be treated as educational records, which means they will not be shared with others without your permission and advance notice. There are, however, a few exceptions to this: a) If we believe there is a serious, imminent threat to the campus community, or b) If we are required to disclose records to a court of law, we will comply (i.e. subpoena).

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

If the Complainant does not wish to pursue resolution and/or requests that the report remain confidential, the Title IX Coordinator or designee will inform the Complainant that the College's ability to respond may be limited. The Title IX Coordinator or designee may conduct a preliminary investigation into the alleged sexual or gender-based misconduct and may weigh the Complainant's request against the following factors:

- The seriousness of the alleged sexual or gender-based misconduct,
- Whether there have been other Complainants of sexual or gender-based misconduct against the same accused individual,

- Accused individual’s right to receive information about allegations, including the name of the Complainant.

The Title IX Coordinator or designee will inform the Complainant if the College cannot ensure confidentiality. Even if the College cannot take disciplinary action against the accused student because the Complainant insists on confidentiality or that the complaint not be resolved, the College reserves the authority to undertake an appropriate inquiry, issue a “no contact” order, and/or take other reasonably necessary measures, including the Immediate Actions described in *Section V*, above, to promote a safe learning environment for the Complainant and/or the entire College community.

XIII. Prevention, Training, and Policy Education

The College is committed to education, communication, and training in order to prevent sexual and gender-based misconduct and to ensure an appropriate response when incidents occur. The following section details the education and training provided by the College to faculty, staff, and students.

a. Students

MyStudentBody

The online prevention and education module, My Student Body, is available to all students. The MyStudentBody module includes courses about sexual violence, drugs, alcohol, and several other topics. The sexual violence portion includes information about healthy relationships, sexual assault, stalking, intimate partner violence, and bystander intervention. The sexual violence course is included in SDV 101: How to Be Successful in College.

Mentors in Violence Prevention

Mentors in Violence Prevention (MVP) bystander intervention trainings are provided to various groups on campus. Instructors invite MVP facilitators into some classes to provide trainings for students. MVP facilitators are also available to provide trainings for clubs and other groups on and off campus.

Campus Events and Activities

IHCC hosts events and activities throughout the year to promote awareness and prevent sexual assault, stalking, and intimate partner violence. Events and activities occur during Sexual Assault Awareness Month, Domestic Violence Awareness Month, Stalking Awareness Month, No More Week, and various other times throughout the year.

b. Faculty and Staff

Title IX Responsible Employee Training

All faculty and staff receive “Responsible Employee” training during new employee orientation. This training provides general information about Title IX and what a faculty/staff member should do and say if they receive a report of a possible Title IX violation. In addition to the initial “Responsible Employee” training, every faculty and staff member must attend a Responsible Employee presentation that provides more in-depth information about Title IX, IHCC policies, and resources.

Mentors in Violence Prevention

Mentors in Violence Prevention bystander intervention training is available to faculty and staff who want to participate.

MyStudentBody

The online prevention and education module, My Student Body, is available to all faculty and staff. The MyStudentBody module includes courses about sexual violence, drugs, alcohol, and several other topics. The sexual violence portion includes information about healthy relationships, sexual assault, stalking, intimate partner violence, and bystander intervention.

c. IHCC Sanctioning Board

The Sanctioning Board receives training about the Sexual and Gender-based Misconduct Policy and the Student Code of Conduct. Additionally, the Sanctioning Board meets regularly to ensure continued education about campus policies and their application to case studies. The Sanctioning Board participates in ongoing trainings about sexual harassment, trauma-informed response and investigation, and cultural competency. The Sanctioning Board will be the governing body that determines the sanction(s) (disciplinary actions) for students who are found responsible for violating this policy. Please see the "Sanctions" section for examples.

d. IHCC Human Resources

The Human Resources office receives training about the Sexual and Gender-based Misconduct Policy and the Staff Handbook. Additionally, the Human Resources Title IX representatives meet regularly to ensure continued education about institutional policies and their application to case studies. The Human Resources Title IX representatives participate in ongoing trainings about sexual harassment, trauma-informed response and investigation, and cultural competency. The Human Resources office will be the governing body that determines the sanction(s) (disciplinary actions) for employees who are found responsible for violating This Policy.

e. Title IX Coordinator and Deputy Title IX Coordinator

Title IX Coordinator and Deputy Title IX Coordinator receive training about how to respond to and investigate Title IX reports. Additionally, the Title IX Coordinator and Deputy Title IX Coordinator receive ongoing training about sexual harassment, intimate partner violence, trauma-informed response and investigation, and cultural competency.

f. Campus Security

The IHCC Campus Security meets regularly to review policies and response. Additionally, the Campus Security team participates in ongoing trainings about sexual assault, stalking, sexual harassment, and intimate partner violence; trauma-informed response and investigation; and cultural competency.

g. Mentors in Violence Prevention Facilitators

Mentors in Violence Prevention facilitators include faculty, staff, and students. Facilitators participate in a two-day facilitator training provided by Crisis Intervention Services.

i. Investigators

All Title IX Investigators are required to attend annual training. Training material can be found by clicking [here](#).

j. Decision-Maker

Indian Hills Community College has retained Gayla R Harrison, attorney at law, member of the Harrison, Moreland, Webber, Simplot, and Maxwell, P.C. law firm.

Admitted

1986, Iowa

1987, U.S. District Court, Northern and Southern Districts of Iowa and U.S. Court of Appeals, Eighth Circuit

Memberships

Iowa State (Chair, Labor and Employment Law Section, 1999-2001) and American (Member, Sections on: Litigation

Labor and Employment Law) Bar Associations

XIV. Confidential Resources for Students

There are campus and community services available to students regardless of whether or not a student chooses to report a violation of This Policy to the College or local law enforcement. The College strongly encourages students to seek assistance to care for themselves emotionally and physically through confidential crisis intervention, health care, and counseling. As students tend to their health, they should keep in mind that medical examinations are time-sensitive and are critical in preserving evidence of sexual assault so that options can be considered at a later time. For additional information about medical services and sexual assault forensic exams, please see *Section VI*.

a. Indian Hills Community College

Counseling and Prevention Resources Center (CPRC)

Indian Hills Community College - Trustee Hall, (First Floor)

641-683-5152

Open Mon-Thurs

7:15 a.m. – 4:45 p.m.

counseling.services@indianhills.edu

<http://www.indianhills.edu/life/cprc/index.php>

Students can meet confidentially with a mental health professional.

Crisis Intervention Services: Sexual Assault Advocacy and Support

Indian Hills Community College- Trustee Hall, (Student Development)

641-683-5152

Tuesdays 9:30 a.m.- 11:30 a.m.

b. Community, State, and National

Crisis Intervention Services: Sexual Assault Advocacy and Support

24/7 Sexual Assault Hotline: (800) 270-1620

24/7 Emergency Housing Crisis Line: (844) 673-5499

Family Crisis Center: Domestic Violence Advocacy and Support

24/7 Crisis Line: (800) 464-8340

Wapello County Victims Resources

Wapello County Attorney's Office

219 N. Court

Ottumwa, IA 52501

(641) 683-0030

Iowa Sexual Abuse Hotline

24/7 Crisis Line: (800) 284-7821

Iowa Domestic Violence Helpline

24/7 Crisis Line: (800) 770-1650

National Suicide Prevention Lifeline

24/7 Crisis Line: (800) 273-8255

1in6

24/7 online helpline:

<https://1in6.org/helpline/>

<https://1in6.org/>

Foundation 2: Suicide Prevention and Crisis Intervention Hotline

24/7 Crisis Line: (800) 332-4224

IowaCASA: Iowa Coalition Against Sexual Assault

Victim Service Call Center: 1-800-770-1650 or text "IOWA HELP" to 20121

<https://www.iowacasa.org/>

ICADV: Iowa Coalition Against Domestic Violence

1-515-244-8028

Fax: 1-515-244-7417
<http://www.icadv.org/>

c. Culturally Specific

Free resources for all individuals from various cultures and backgrounds (including, but not limited to, refugees and international students) to support survivors of violence, assault, or abuse.

Amani Community Services

24/7 Crisis Line: (888) 983-2533

Services for African American survivors of domestic violence and sexual assault in Black Hawk and Linn counties

Deaf Iowans Against Abuse

24/7 V/VP Crisis Line: (319) 531-7719

Services to help Deaf, Hard of Hearing, and Deaf/Blind survivors and their families deal with the trauma of domestic violence, sexual violence, teen dating violence, bullying, and/or stalking

Latinas Unidas por un Nuevo Amanecer (LUNA)

24/7 Crisis Line: (888) 256-7668

Services for Latina/o/x survivors of domestic violence and sexual assault

Meskwaki Victim Services

24/7 Crisis Line: (855) 840-7362

Services for Native survivors of domestic violence and sexual violence, and their family members, living on the Meskwaki settlement and throughout Iowa

Monsoon United Asian Women of Iowa

24/7 Crisis Line: (866) 881-4641

Serves victims and survivors of domestic violence and sexual violence in Asian and Pacific Islander (API) communities in Iowa

Nisaa African Family Services

24/7 Crisis Line: (515) 255-5430

Services for African immigrant and refugee survivors of domestic violence and sexual violence statewide in Iowa

Transformative Healing

24/7 Crisis Line: (515) 850-8081

Services for lesbian, gay, bisexual, transgender, queer, intersex, asexual (LGBTQIA), and other marginalized sexual and gender identity survivors of sexual violence in Polk, Johnson, Story, and Linn Counties

XV. State and Federal Complaints

A Complainant may choose to file a complaint with the state and federal agencies listed below.

U.S. Commission on Civil Rights

Central Regional Office
400 State Avenue, Suite 908
Kansas City, KS 66101
Tel: (913) 551-1400
Fax: (913) 551-1413
TDD: (913) 551-1414

Area(s) served: Alabama, Arkansas, Iowa, Kansas, Louisiana, Mississippi, Missouri, Nebraska, and Oklahoma.

www.ed.gov/ocr

Equal Employment Opportunity Commission (EEOC)

Reuss Federal Plaza
310 W. Wisconsin Avenue, Suite 800
Milwaukee, WI 53203-2292
Phone: (800) 669-4000
Fax: (414) 297-4133
TTY: (800) 669-6820

www.eeoc.gov

Iowa Civil Rights Commission (ICRC)

Grimes State Office Building
400 E. 14th Street
Des Moines, IA 50319
Toll free: (800) 457-4416
Phone: (515) 281-4121
Fax: (515) 242-5840
TDD: (877) 521-2172

<https://icrc.iowa.gov/>

For questions about This Policy or to verify that it is current, please contact the Title IX Coordinator at (641) 683-5155