

# BOARD POLICY

WESTERN IOWA TECH COMMUNITY COLLEGE

	Series Number: 506.7
Title	Health and Safety Regulations and Procedures
	Sex Discrimination, Harassment, and Abuse (Title IX)

Western Iowa Tech Community College endeavors to maintain an environment conducive to work and study for all persons. The College prohibits sex discrimination in its programs and activities, including sexual harassment, sexual assault and abuse, dating violence, domestic violence, and stalking. Prohibited conduct also includes retaliation against others for opposing sexual harassment or exercising rights under this Policy to make complaints or participate in an adjudication process.

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

<https://www.witcc.edu/title-ix/title-ix-sexual-harassment-procedures/>

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

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

## A. Scope

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

The College's scope under Title IX is also limited to conduct against a person that occurs in the United States.

Date of Adoption	9/21/87	Legal Reference: (Code of Iowa) HF 2028,
Date of Last Revision	7/8/2024	PL101-542, Student Right to Know and Campus Security Act; Code of Iowa Ch. 709.1
Date of Current Revision	4/14/2026	Date of Last Review: 3/1/2026
Related Administrative Procedures and Cross References		Statement of General Conduct, Student Handbook ; 400.10, Harassment

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

### Prohibited Conduct

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

1. A College employee, agent, or other contracted individual under the College's control or authority explicitly or implicitly conditions an aid, benefit, or service of the College on submission to unwelcome sexual conduct (e.g., sexual favors for a better grade or promotion; implicitly or explicitly threatening negative consequences if the student or employee rejects sexual advances).
2. Unwelcome conduct, that when determined by a reasonable person, creates a hostile, intimidating or demeaning environment that is sufficiently severe, pervasive, and objectively offensive that it effectively denies a complainant equal access to participation in the College's educational program or activity.

Examples can include persistent and unwelcome efforts to develop a sexual relationship; bullying/cyber -bullying of a sexual nature or for a sexual purpose; sexual exploitation; unwanted sexual attention; repeated and unwelcome sexually-oriented teasing, joking or flirting; or verbal abuse of a sexual nature. Behavior could be verbal, non -verbal (e.g., gestures, touching), written or electronic.

3. Sexual assault or abuse, defined as one of the following offenses in which one has or attempts to have sexual contact or sexual penetration with another individual without their consent:
  - a. Rape: the penetration, no matter how slight, of the vagina or anus of a person, with any body part or object, or oral penetration of a sex organ of the complainant or by the respondent's sex organ without consent of the complainant, including instances where the complainant is incapable of giving consent because of their age or because of a temporary or permanent mental or physical incapacity;
  - b. Fondling: intentional touching of the clothed or unclothed genitals, buttocks, groin, breasts, or other body parts of the complainant by the respondent or the respondent by the complainant, without the consent of the complainant, for the purpose of sexual degradation, sexual gratification, or sexual humiliation;
  - c. Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
  - d. Statutory rape: sexual intercourse with a person who is under the statutory age of consent.
4. Dating violence, which is violence committed by a person who is or has been in a social relationship of a romantic, or intimate nature with the complainant. The existence of such a relationship shall be determined based on the complainant's statement and with consideration

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of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

5. Domestic violence, which is violence committed by a:
  - Current or former spouse or intimate partner of the complainant;
  - Person with whom the complainant shares a child in common;
  - Person who is cohabitating with, or has cohabitated with, the complainant as a spouse or intimate partner;
  - Person similarly situated to a spouse of the complainant under the laws of the State of Iowa or the jurisdiction in which the incident reported occurred;
  - Any other person against an adult or youth complainant who is protected from that person's act under the laws of the State of Iowa or the jurisdiction in which the incident reported occurred.
  
6. Stalking, which is engaging in a course of conduct, on the basis of sex, toward another person under circumstances that would cause a reasonable person to fear for the safety of themselves or others or to suffer substantial emotional distress.

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

### **B. Resources, Reporting/Making a Complaint, Investigation, and Grievance Procedures**

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

#### **Title IX Coordinator**

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

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