

**DES MOINES AREA COMMUNITY COLLEGE
SEXUAL HARASSMENT POLICY AND PROCEDURES**

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I. THE POLICY

In accordance with Title IX of the Education Amendments Act of 1972, the Des Moines Area Community College (the “College”) prohibits sex discrimination, including sexual harassment, against any individual participating in any education program or activity of the College. This prohibition on discrimination applies to students, employees, and applicants for admission or employment.

Any individual with questions about the College’s Title IX policy and procedures, or who would like to make a report or file a formal complaint of sex discrimination or sexual harassment may contact the College’s designated Title Coordinator, Debbie McKittrick, Judicial Officer & Title IX Coordinator at 2006 S. Ankeny Blvd, Bldg. 1, Ankeny, IA 50023, phone 515/964-6574, Title9@dmacc.edu.

The College will utilize this Policy and Procedure to respond to all claims of sex discrimination or sexual harassment as defined in Section II of this policy. If the College determines that a report or complaint does not allege conduct within the scope of Title IX, it may still proceed to investigate or respond to that report or complaint under any other applicable College policy or procedure.

II. DEFINITIONS

- A. **Sexual harassment** means unwelcome behavior or conduct (physical, verbal, written, electronic) that is directed at someone because of that person's sex or gender, and that meets any of the following definitions:
1. **“Quid Pro Quo” Harassment.** A College employee explicitly or implicitly conditions the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct; **OR**
 2. **Hostile Educational/Work Environment.** Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education program or activity; **OR**
 3. **Sexual assault.** An offense that meets the definition any one of the following offenses:
 - Rape: the penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person without consent of the victim;
 - Fondling: the touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim;
 - Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or

- Statutory rape: sexual intercourse with a person who is under the statutory age of consent; **OR**

4. **Stalking:**

- Purposefully engaging in a course of conduct directed at a specific person ("target") that would cause a reasonable person to fear bodily injury to, or the death of, the target or a member of the target's immediate family;
- when the person ("stalker") knows or should know that the target will be placed in reasonable fear of bodily injury to, or the death of, the target or a member of the target's immediate family by the course of conduct; and
- the stalker's course of conduct induces fear in the target of bodily injury to, or the death of, the target or a member of the target's immediate family; **OR**

5. **Dating Violence:** 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 a consideration of:

- The length of the relationship.
 - The type of relationship.
 - The frequency of interaction between the persons involved in the relationship;
- OR**

6. **Domestic Violence:** any felony or misdemeanor crime 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 who is cohabiting 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 State of Iowa; 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 State of Iowa.

B. Consent means knowing and voluntary agreement to engage in conduct or an activity with another individual. Silence or an absence of resistance does not imply consent. Past consent to engage in conduct or an activity does not imply future consent; consent can be revoked at any time. An individual who is incapacitated (e.g., when a person is asleep, unconsciousness, under the influence of drugs or alcohol, or disability) cannot give consent. Coercion, force, or the threat of either invalidates consent. Under no circumstances can a student give consent to engage in any sexual conduct or activity with an employee of the College.

C. Complainant means any person who alleges that they have been subjected to sexual harassment as defined by this Policy. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the College's education program or activity.

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

III. POLICY SCOPE

This Policy applies to all persons participating in any program or activity of the College, including students and employees and applicants for employment and applicants for admission. Under Title IX, the College has jurisdiction over locations, events or circumstances over which it substantially controls the Respondent and the context in which the harassment occurs. The College's jurisdiction is limited to conduct against a person that occurs in the United States.

Any person may make a report of sexual harassment to the College's Title IX Coordinator.

IV. 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 in an investigation. It is important that those reporting sexual harassment understand the limits on confidentiality of the individual who they may contact 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 perpetrator or 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 this Policy (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.

However, complaints about violations of this 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 will also keep personally identifiable information out of public recordkeeping, including the College's Annual Security Report of Crime Statistics under the Clery Act.

V. REPORTING SEXUAL MISCONDUCT, INCLUDING SEXUAL ASSAULT AND SEXUAL HARASSMENT

A. Employee Reporting Obligations

Any College employee who witnesses or becomes aware of sexual harassment have an affirmative obligation to report immediately to the College's Title IX Coordinator. Failure to do so may result in disciplinary action against the employee, consistent with College policy.

B. Reporting to Law Enforcement

Because sexual misconduct may constitute both a violation of College policy and criminal activity, the college strongly encourages, but does not require, victims to report concerns of sexual misconduct to law enforcement as soon as possible after the incident. A Complainant may proceed under this Policy whether or not they elect to report to law enforcement as well.

For emergencies, contact 9-1-1.

To contact law enforcement in non-emergency situations, call the non-emergency number for your local police department.

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. Local medical attention is available at any of the following hospitals or clinics:

Ames:

Mary Greeley Medical Center 1111 Duff Ave, Ames, IA 50010; 515/239-2011

Story County Medical Center 640 S 19th St, Nevada, IA 50201; 515/ 382-2111

Ankeny/Des Moines Metro:

Broadlawns Medical Center 1801 Hickman Rd, Des Moines, IA 50314; 515/282-2200

MercyOne Des Moines Medical Center 1111 6th Ave, Des Moines, IA 50314;
515/ 247-3211

UnityPoint Health - Iowa Lutheran Hospital 700 E University Ave, Des Moines, IA
50316; 515/263-5612

UnityPoint Health - Iowa Methodist Medical Center 1200 Pleasant St, Des Moines, IA
50309; 515/241-6213

Boone:

Boone County Hospital 1015 Union St, Boone, IA 50036; 515/432-3140

Carroll:

St Anthony Regional Hospital 311 S Clark St, Carroll, IA 51401; 712/792-3581

Newton:

MercyOne Newton Medical Center 204 N 4th Ave E, Newton, IA 50208;
641/792-1273

Perry:

Dallas County Hospital 610 10th St, Perry, IA 50220; 515/465-3547

West Des Moines:

UnityPoint Health - Methodist West Hospital 1660 60th St, West Des Moines, IA 50266;
515/343-1200

MercyOne West Des Moines 1755 59th Pl, West Des Moines, IA 50266; 515/358-8280

Additionally, a free, confidential medical examination from a Sexual Assault Nurse Examiner (SANE) can be obtained. The SANE can conduct a sexual assault evidence collection kit to preserve forensic evidence of the assault within 120 hours after its occurrence. Bathing, douching, smoking, changing clothing and cleaning the scene of the assault is discouraged before seeking medical attention.

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. Reporting to the College

Any individual who wishes to make a report or file a formal complaint of sexual harassment may contact the College's Title IX Coordinator, Debbie McKittrick, Judicial Officer & Title IX Coordinator, 2006 S. Ankeny Blvd, Bldg. 1, Ankeny, IA 50023, phone 515/964-6574, Title9@dmacc.edu.

Any individual who is subject to, witnesses, or becomes aware of alleged sexual harassment may also submit an anonymous report at <https://infopath.dmacc.edu/security/default.aspx>

E. Amnesty for Complainants and Participants in Investigations

The College will not pursue disciplinary action for improper possession or use of alcohol or other drugs against a student who reports in good faith an incident of sexual misconduct, or who participates in good faith in an investigation into an incident of sexual misconduct.

F. Retaliation Prohibited

Retaliation against a person who makes a report or complaint of sexual harassment, or who assists, or participates in any manner in an investigation or resolution of a sexual harassment report or complaint is strictly prohibited. Retaliation includes threats, coercion, discrimination, intimidation, reprisals, and/or adverse actions related to employment or education. Any individual who believed they have been retaliated against in violation of this Policy should immediately contact the College's Title IX Coordinator.

This Policy's anti-retaliation protections do not apply to any individual who makes a materially false statement in bad faith in the course of any complaint, investigation, hearing, or other proceeding under this Policy. However, a determination that an individual made a materially false statement in bad faith must be supported by some evidence other than the determination of whether the Respondent violated this Policy alone. An individual who makes a materially false statement in bad faith may be subject to discipline up to and including suspension or expulsion of a student or termination of an employee's employment.

G. 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 harassment, a complaint should be submitted as soon as possible after the event takes place in order to maximize the College's ability to respond promptly and equitably.

The College may not be able to fully investigate a formal complaint against an individual who is no longer affiliated with the College. Under those circumstances, the College will still consider whether it can offer supportive measures to the Complainant or proceed under another applicable law, policy, procedure, handbook provision, or rule.

In all cases, the College will conduct a prompt and equitable investigation of allegations of sexual misconduct. The College will attempt to complete the investigation and make a determination regarding responsibility within a reasonable prompt timeframe of receipt of a formal complaint. 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.

VI. PROCESS FOR RESPONDING TO REPORTS OF SEXUAL HARASSMENT

A. Initial Meeting with the Complainant

Upon receipt of any report of sexual harassment occurring in the College's educational program or activity, the Title IX Coordinator or designee will schedule a meeting with the Complainant in order to provide the Complainant a general understanding of this Policy and to identify forms of supportive measures available to the Complainant with or without the filing of a formal complaint, and to explain the process for filing a formal complaint. The intake meeting may also involve a discussion of any specific supportive measures that may be appropriate.

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: (1) informal resolution; (2) formal resolution; or (3) not proceeding. Supportive measures may still be offered whether or not the Complainant chooses any of these options.

If the Complainant wishes to proceed with either informal or formal resolution, a written document must be filed by the Complainant or signed by the Title IX coordinator alleging harassment against a respondent (the "formal complaint"). Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not the complainant or otherwise a party to a complaint proceeding under this Policy.

B. Supportive Measures, Emergency Removals, and Administrative Leave

The College may implement supportive measures to preserve or restore the Complainant's access to the College's education program or activity. Supportive measures will be individualized, provided at no cost to the parties, and are non-disciplinary in nature. Upon receipt of a report or formal complaint of sexual harassment, the Title IX Coordinator will meet with the Complainant to discuss the availability of supportive measures. The Title IX Coordinator will take the Complainant's preferences into consideration when developing and implementing appropriate supportive measures to restore or preserve Complainant's access to the College's education program or activity

Supportive measures may include, but are not limited to:

- Counseling,
- Extension of deadlines or other course-related adjustments,
- Modifications of work or class schedules,
- Mutual restrictions on contact between the parties,
- Leaves of absence,
- Increased security and monitoring,
- Increased supervision and/or escort services, and/or
- Other similar measures.

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

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 Polk County Des Moines, Iowa, or another court in a county of residence.

If an individual obtains an order of protection from a court in Iowa, the Title IX Coordinator should receive a copy to be aware of any limitations or restrictions and to develop a plan to abide by the court order.

The College may temporarily remove a student accused of violation this policy on an emergency basis, following an individualized safety and risk analysis that finds an immediate threat to the physical safety of any individual. Any student so removed will be provided with notice and an opportunity to challenge this action immediately following the removal, and any other rights conferred by law. Emergency removals must be consistent with other applicable laws.

The College, in its sole discretion and consistent with any applicable College policy, handbook, contract, or rule, may place an employee accused of violating this policy on administrative leave pending the outcome of the informal or formal complaint process.

C. Informal Resolution

Upon filing of a formal complaint, a Complainant who does not wish to pursue formal resolution may request a less formal proceeding, known as “Informal Resolution.” Informal resolution is available to the parties any time prior to a determination of responsibility being issued.

Informal resolution is a voluntary process that requires the written consent of the Complainant and Respondent. The College will not require the parties to participate in the Informal Resolution process as a condition of enrollment, employment, or of any other right conferred by the College. The Title IX Coordinator will assess the severity of the alleged harassment and the potential risk for others in the College community to determine whether informal resolution may be appropriate. Informal Resolution will **never** be used to resolve allegations involving an employee sexually harassing a student.

The Title IX Coordinator will provide the parties with a written notice setting forth the allegations, the requirements of the informal resolution process set forth in this Policy, the right of any party to withdraw from the informal process and proceed with the formal grievance process 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.

Upon receipt of written consent from the parties to participate in informal resolution, the Title IX Coordinator will consult separately with the Complainant and Respondent and gather additional relevant information as necessary. The Title IX Coordinator may also put in place any appropriate supportive measures to protect the educational and work environment of the parties.

The Title IX Coordinator will work with parties to determine a mutually acceptable resolution to the complaint. This resolution will be reduced to writing and signed by the Complainant and the Respondent. Once signed, the written resolution becomes final and neither party can initiate the formal grievance process for the allegations in the formal complaint. The written resolution is not subject to appeal.

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

D. Formal Resolution

Upon submission of a formal complaint, Complainant may elect to pursue a formal resolution, which is described more specifically in this section.

1. Consolidation of Complaints

The College may consolidate formal complaints of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, where the allegations arise out of the same facts or circumstances.

2. Required Notices

Notice of Investigation. If a Complainant elects to pursue 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;
- The parties' rights to review and comment on investigative evidence; and
- The effect of making materially false statements in bad faith during this 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).

Notice of Interviews, Hearings, or Other Meetings. The Title IX Coordinator shall provide to Complainant and Respondent a written notice of the date, time, location, participants, and purpose of any interview, hearing, or meeting with sufficient time for the party to prepare.

3. Dismissal

The College shall dismiss any formal complaint made under this Policy if at any time it determines that it lacks jurisdiction under Title IX because the conduct alleged in the formal complaint:

- Would not constitute sexual harassment as defined in Section II of this policy, even if proved,
- Did not occur in the College's education program or activity; or
- Did not occur against a person in the United States.

The College, in its sole discretion, may dismiss any formal complaint under this Policy if at any time:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations;
- The Respondent is no longer enrolled in or employed by the College; or
- Specific circumstances exist that prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations. Examples include, but are not limited to, a significant passage of time from the date of the allegation(s) in the complaint to the date the complaint is filed that makes investigation impracticable, or where the Complainant has stopped participating in the process.

Dismissal of a complaint from proceeding under this Policy does not preclude the College from offering supportive measures to any party or from proceeding under any other applicable policy, procedure, rule, or handbook provision applicable to students and/or employees of the College.

Upon dismissal of any formal complaint under this section, written notice of this dismissal and the reason(s) therefor will be provided simultaneously to Complainant and Respondent.

4. Advisors

Complainants and Respondents have equivalent rights to be accompanied at any stage of the process by an advisor of their choice, who may be a family member, friend, or other support person, union representative (where applicable), or an attorney at the party's sole expense. Advisors may not answer questions on behalf of any party or otherwise participate in any interview or meeting, other than to confer with the party they are supporting/representing.

5. Investigation

The Title IX Coordinator shall designate Investigators to conduct an investigation into any formal complaint. The Investigators must be appropriately trained in conducting Title IX investigations, unbiased, and have no conflict of interest in the present case. The Investigators serves as neutral fact-finders, and shall interview both parties, relevant witnesses, and gather and review evidence relevant to the outcome of the complaint.

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. Both parties will have an equal opportunity to present witnesses and other evidence (both inculpatory and exculpatory) to the Investigator. 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 or retaliation against any party otherwise violate applicable law, rule, or regulation.

The Investigator will evaluate all relevant evidence, both inculpatory and exculpatory, and will not make credibility determinations based solely on a person's status as complainant, respondent or witness.

The Investigator will only access, consider, disclose, or otherwise use a party's treatment records made or maintained by a health care provider, or other records protected under a legally recognized privilege, with that party's voluntary, written consent.

Prior to completion of the Investigative Report, the Investigator will provide each party with copies of any evidence obtained by the Investigator that is directly related to the allegations in the complaint. Both parties will have ten (10) calendar days to submit a written response to the evidence to the Investigator. By accepting receipt of this information, the parties and their representatives, if any, agree that the use or dissemination of evidence for any purpose other than those directly related to the parties' participation in the Title IX grievance process is prohibited and may result in appropriate discipline in accordance with College policy.

6. Investigative Report

After conducting the investigation, the Investigators will complete an investigative report that summarizes all relevant evidence, including statements and interviews with the parties and any witnesses, and any documents, records, photographs, recordings, or other evidence obtained by the investigator.

The investigative report will be distributed simultaneously to both of the parties at least ten (10) calendar days prior to a Determination of Responsibility being made.

7. Live Hearing/Determination of Responsibility

A. Notice of Hearing and Pre-Hearing Meetings.

If a hearing is scheduled, the Title IX Coordinator or designee will provide written notice to both parties of the time, date, location, anticipated participants, and purpose of the hearing with sufficient time for the parties to prepare for the hearing. In addition, the Title IX Coordinator or designee will schedule separate meetings with the Complainant and the Respondent to review the hearing procedures.

A three-member Hearing Panel will be assigned to conduct the hearing and issue a written determination regarding responsibility. The Title IX Coordinator and Investigators shall not serve on the Hearing Panel.

B. Conduct of the Hearing

Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in these proceedings. Unless otherwise stated in this Policy, the hearing will follow the rules and procedures established by the Hearing Panel as necessary to conduct an orderly and fair hearing.

The Hearing Panel will not require, allow, rely upon, or otherwise use questions or evidence that constitutes or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Each party shall be represented during the live hearing by an advisor of their choice at their own expense, who may be an attorney. If a party does not have an advisor, an advisor of the College's choice will be provided to conduct cross-examination.

Each party's advisor shall be permitted conduct cross-examination of the other party and any witnesses, including all relevant questions and follow-up questions, including those challenging the credibility of the party or witness. Cross-examination will be conducted directly, orally, and in real time during the hearing. Under no circumstances will any party be allowed to conduct cross-examination personally.

All procedural questions, including the decision to accept evidence and/or statements, will be made by the Hearing Panel Chair, in his or her sole discretion.

The Chair will determine the relevance of any cross-examination question before it is answered. Questions or evidence about a Complainant's sexual predisposition or prior sexual behavior are not relevant and shall be excluded, other than to establish that someone other than the Respondent committed the conduct alleged by Complainant, or if the questions concern specific incidents between Complainant and Respondent and are offered to provide consent.

If any party or witness does not submit to cross-examination during the hearing, the Hearing Panel will not rely on any statement of that party or witness in reaching a determination of responsibility. The Hearing Panel 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.

A recording or transcript will be made of the hearing and will be available to the parties for inspection and review.

At the request of either party, the hearing will be conducted with parties in separate rooms with technology enabling the decision-makers and parties to simultaneously see and hear the witness answering questions.

C. 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 Board will carefully consider all of the evidence presented and follow the procedures stated in this Policy and any other applicable College policies, procedures, rules, or handbook provisions in order to ensure as fair a hearing as possible for all parties.

D. Sanction

Sanctions and remedies will be determined on a case-by-case basis by the Hearing Panel. Sanctions may range from a written warning to suspension or expulsion of a student pursuant to Educational Services Policy ES4630 or termination of an employee's employment with the College pursuant to Human Resource Policy HR 3235.

The Hearing Panel is required to consider the suspension or expulsion of any student or the termination of any employee's employment, if that individual is found responsible for sexual assault; however, the Hearing Panel may impose or recommend¹, where applicable, any sanction that it finds to be fair and proportionate to the violation and in accordance with other applicable College policies and procedures. Remedies may include, but are not limited to, counseling, reprimand, restitution, conduct probation, educational sanctions, restriction of access to specific areas of campus, monetary penalty, monetary reimbursement, public or community service, research projects, compulsory attendance at education programs, compulsory psychiatric/psychological evaluation and counseling, alcohol and drug evaluation and

¹ If authority is vested with some other individual or decision-making body under federal, state, or local law, rule, or policy to render a particular sanction (e.g., termination of a College employee with a continuing teaching contract) the Hearing Panel shall issue a determination of responsibility for the underlying conduct and may make a recommendation regarding sanction. The matter shall be referred by the Title IX Coordinator or designee to the individual/decision-making body with authority to issue the sanction for further handling.

counseling, restorative justice conferences and actions which will be guided by the Judicial Officer, or a combination of the aforementioned sanctions and remedies.

E. Written Decision

The Hearing Panel Chair Within ten (10) business days of completion of the hearing, the Dean of Students will notify the Complainant and accused student of the decision and any sanctions imposed.

Following the conclusion of the hearing, Hearing Panel Chair will notify the Title IX Coordinator or designee of the decision and any sanctions imposed or recommended in writing within five (5) business days of completion of the hearing. Within ten (10) business days of completing the hearing, the Hearing Panel Chair will issue a written determination regarding responsibility, which shall be determined by a preponderance of the evidence. The written determination will include:

- Identification of the allegations;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including notifications to the parties, interviews, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact;
- Conclusions regarding the application of the College's code of conduct to the facts;
- A statement of and rationale for the Hearing Panel's determination regarding responsibility for each allegation;
- A statement of and rationale for any disciplinary sanctions that will be imposed on Respondent, if applicable;
- A statement of and rationale for any remedies the College will provide to restore or preserve Complainant's access to the College's program or activity, if applicable; and
- A statement of the College's appeal policy and procedures.

The Title IX Coordinator or designee will provide the written determination to the parties simultaneously. The decision shall be final five (5) business days after delivery of the written determination, if no appeal is filed.

8. Appeals

Within five (5) calendar days of delivery of the written determination to them, either party may appeal the dismissal of a formal complaint, or the Hearing Panel's written determination and/or any sanction imposed by the Hearing Panel to Vice President for Student Affairs or her/his designee. This appeal decision-maker shall not be the Title IX Coordinator, Investigator, or a member of the Hearing Panel.

Such appeals will be in writing and will be delivered to the Title IX Coordinator. The Vice President for Student Affairs or her/his designee will determine if the written determination will be stayed pending the outcome of the appellate decision. Appeals will be limited to any of the following bases:

- A procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the written determination was issued that could affect the outcome of the matter; or
- The Title IX Coordinator, Investigator(s), or Decision-Maker(s) had a conflict of interest or bias that affected the outcome of the matter.

The Vice President for Student Affairs or her/his designee will notify both parties in writing if an appeal is received 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. The parties' written statements must be submitted within five (5) calendar days of notice of the appeal.

Except as required to explain the basis of new information, an appeal will be limited to a review of the written record of the investigation, the written determination, and the parties' written statements on appeal.

The Vice President for Student Affairs or her/his designee may affirm, reverse, or modify the written determination and/or sanctions imposed, or may remand to the Investigator or Decision-Maker for further action. A written appeal decision will be issued simultaneously to the parties describing the result of the appeal and the rationale therefor. The written appeal decision of the Vice President for Student Affairs or her/his designee is the final decision of the College, and no further appeals are permitted under this Policy.

E. 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 that his or her report remain confidential, the Title IX Coordinator or designee will inform the Complainant that the College's ability to respond to the alleged sexual harassment may be limited. The Title IX Coordinator or designee may weigh the Complainant's request against the following factors:

- The seriousness of the alleged sexual misconduct,
- Whether there have been other complainants of sexual misconduct against the same Respondent, and
- The Respondent's right to receive information about the allegations, including the name of the complainant.

The Title IX Coordinator will only initiate a formal complaint under these procedures against the wishes of the Complainant where required by federal or state law, regulation, or rule, or 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.

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 Respondent because the Complainant insists on confidentiality or that the complaint not be resolved, the

College reserves the authority to implement supportive measures or other appropriate actions to promote a safe learning environment for the complainant and/or the entire College community.

VII. RESOURCES AND SERVICES FOR STUDENTS AND EMPLOYEES

There are campus and community services available to individuals who are subjected to sexual misconduct, regardless of whether an individual chooses to report a violation of this Policy to the College or local law enforcement. The College strongly encourages individuals subjected to sexual misconduct to seek assistance to care for themselves emotionally and physically through confidential crisis intervention, health care, and counseling. Individuals should keep in mind that medical examinations are time-sensitive and are critical in preserving evidence of sexual assault.

A. Confidential Advocacy and Support

There are resources in the community where an individual may seek support outside of the College. Use of any of these services is solely at the discretion of the individual. The College does not make any representations regarding the effectiveness or appropriateness of any of these resources for any individual, and does not assume responsibility, financial or otherwise, for these resources.

- **Ames/Boone:**
Assault Care Center Extending Shelter & Support (ACCESS), Crisis line: 855/ 983-4641;
<https://www.assaultcarecenter.org>
- **Ankeny/Des Moines Metro/West Des Moines:**
Polk County Crisis & Advocacy Services (PCCAS), Crisis line: 515/286-3600;
<https://www.polkcountyiowa.gov/community-family-youth-services/community-and-family/crisis-advocacy-services/>
- **Carroll:**
Centers Against Abuse and Sexual Assault (CAASA), Crisis line: 877/362-4612;
<https://www.caasaonline.org>
- **Newton:**
Crisis Intervention Services (CIS), Crisis line: 800/270-1620; <https://stopdvsa.org>
- **Perry:**
Crisis Intervention & Advocacy Center, Crisis line: 800/550-0004;
<https://supportingsurvivors.org>
- **State Wide Services and Assistance:**
 - Iowa Victim Service Call Center: Free & Confidential Phone Services 1-800-770-1650 OR Text "IOWAHELP" TO 20121
 - The Iowa Coalition Against Sexual Assault: 515/244-7424
<https://www.iowacasa.org/>

B. College Resources

The College has designated Debbie McKittrick as the Title IX Coordinator. The Title IX Coordinator is responsible for ensuring a non-discriminatory campus environment that is free from harassment. Individuals may obtain information from the Title IX Coordinator about the College's grievance process and may file a formal complaint with the Title IX Coordinator. Questions or concerns may be directed to the Title IX Coordinator(s) at: at 2006 S. Ankeny Blvd, Bldg. 1, Ankeny, IA 50023, phone 515/964-6574, Title9@dmacc.edu.

C. Campus Security

Local community law enforcement and DMACC campus security are provided as deemed appropriate for the safety and security of the DMACC community. Security measures at each DMACC location may include uniformed security officers, closed circuit television, building security systems, interior and exterior lighting, and emergency notification systems. DMACC Security personnel provide a variety of public services to the college community.

Ankeny Security provides services 24 hours a day and can respond to reports of emergencies. Campus Security works closely with law enforcement and can assist individuals in understanding their options for reporting incidents and assisting individuals in contacting local law enforcement to report an incident of sexual misconduct. Contacting Campus Security or law enforcement does not mean a student must pursue criminal charges. Campus Security can also assist individuals in safety planning and provides campus escort services to buildings or vehicles. DMACC locations that do not have on-site security, local law enforcement assists the College in those respective jurisdictions to provide and maintain a safe and secure campus environment.

Regardless of campus affiliation, calls to Security can be place to 515/964-6500

DMACC Security officer presence is provided as follows:

- Ankeny 24/7 all year
- Boone - 7:00 am - 3:00 pm 6pm -2am (M-S)
- Capitol – 7:00 am – 9:00pm M-F
- Newton - 7:00 am - 3:00 pm (M-F)
- Southridge – 6:30 am – 10:00 pm (M-F) 7:30am – 4:30pm – Selected Saturdays
- West – 7:00 am – 3:00 pm -M-F and 3:00 pm to 9:00pm- M-TH
- Urban – 6:00 am to 11pm -7 days a week
- Ames – 7:00 am – 3:00 pm - M-F
- Carroll – 7:00 am – 3:00 pm - M-F
- Perry – 7:00 am – 3:00 pm M,W,F / 12:0pm to 8pm T&TH

D. Campus Human Resources (for employees)

The Executive Director of Human Resources, 2006 S. Ankeny Blvd, Bldg. 1, Ankeny, IA 50023, phone 515/964-6408, or their designee, can assist an employee in filing a report. If the employee is not ready to file a report, the staff can work with him or her to address concerns over work assignments or schedules, leaves of absence, or other employment concerns. The Executive Director or their designee can also assist the employee in notifying Campus Security or local law enforcement, if requested by the employee, and provide referrals to employees to resources such as counseling or a confidential advocate.

E. Campus Student Resources (for students)

The DMAC administrative staff listed below will coordinate with the Title IX administrator. Together they can assist a student in filing a report. If the student is not ready to file a report, the DMACC staff can work with him or her to address concerns over housing, class assignments or schedules, leaves of absence, withdrawal or other academic concerns. The DMACC staff can also assist the student in notifying Campus Security or local law enforcement, if requested by the student, and provide referrals to students to resources such as counseling or a confidential advocate.

- Ankeny: Dean of Students, 515/964-6222
- Boone: Executive Campus Dean, 515-433-5050
- Carroll: Executive Campus Dean, 712-792-8501
- Newton: Executive Campus Dean, 641-791-1721
- Urban: Executive Campus Dean, 515-248-7501
- West Des Moines: Executive Campus Dean, 515-633-2439
- Perry Center: Site Director, 515-248-8100
- Ames Hunziker Center: Site Director, 515-663-6708
- Capitol Center: Urban Campus Executive Campus Dean, 515-248-7501
- Southridge Center: Site Director, 515-256-4901
- Transportation Institute: Director, 515-965-7450
- Evelyn Davis Center: Director, 515-697-1476

F. External Reporting Resources

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

Office for Civil Rights (OCR) – Chicago Office

U.S. Department of Education

Citigroup Center

500 W. Madison Street, Suite 1475

Chicago, IL 60661

Phone: (312) 730-1560

Fax: (312) 730-1576 TDD: (877) 521-2172

Email: OCR.Chicago@ed.gov

Web: 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

Web: 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

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

VIII. PREVENTION, TRAINING, AND POLICY COMMUNICATION

The College is committed to education, communication, and training of students and employees in order to prevent sexual harassment and to assure an appropriate response when incidents occur. The College will provide information to students and employees staff on:

- The definitions of sexual harassment;
- College procedures for responding to incidents of sexual harassment; and
- Employee obligation to report any sexual harassment of which the employee becomes aware.

The College will also ensure that individuals who serve as Title IX Coordinators, Title IX Investigators, Hearing Panel Members, Appeal Decision-Makers, and facilitators of the informal resolution process have adequate training as required by Title IX. Training is required on the definition of sexual harassment, the scope of the College's education program or activity, how to conduct the College's investigation and grievance process, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts, conflicts of interest, and bias. Hearing Panel members will also receive training on relevance of questions and evidence, including exclusion of questions or evidence protected under applicable "rape shield" laws, rules, or regulations. Investigators must also receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Training materials will not rely on sex stereotypes and must promote impartial investigations and adjudications of formal complaints.

IX. RECORDKEEPING

The College will maintain the following records for seven years:

- Each sexual harassment investigation, including determinations, audio or video recordings, disciplinary sanctions, and any remedies provided to the Complainant;
- Any appeal and the result therefrom;
- Any informal resolution; and
- Materials used by the College to train Title IX Coordinators, investigators, decision-makers, and those who facilitate informal resolution under this Policy.

Additionally, the College will create and maintain for seven years:

- Any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment;
- Documentation of the basis for the College's conclusion that its response to any such report or complaint was not deliberately indifferent;
- Documentation that the College has taken measures designed to restore or preserve access to the College's educational program or activity;

Where no supportive measures are provided to Complainant, documentation of why it was not clearly unreasonable to do so.