

## NICC Board Policies Related to Sexual Respect and Title IX

### Board Policy #201—Nondiscrimination

Nondiscrimination Statement: It is the policy of Northeast Iowa Community College not to discriminate on the basis of age, race, color, national origin, sex, disability, sexual orientation, gender identity, creed, or religion in its 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.).

It is also the policy of this District that the curriculum content and instructional materials utilized reflect the cultural and racial diversity present in the United States and variety of careers, roles, and lifestyles open to women as well as men in our society. One of the objectives of the total curriculum and teaching strategies is to reduce stereotyping and to eliminate bias on the basis of age, race, creed, color, sex, sexual orientation, gender identity, national origin, religion, or disability. The curriculum should foster respect and appreciation for cultural diversity found in our country and an awareness of the rights, duties, and responsibilities of each individual as a member of a pluralistic society.

Inquiries and grievances regarding compliance with applicable state and federal laws may be directed to the Executive Director for Risk Management, 8342 NICC Drive, Peosta, IA 52068, phone number 563-556-5110, Ext. 477, fax number 563-557-0368, email address mcmahonke@nicc.edu or to the Director of the Office for Civil Rights, U.S. Department of Education, Citigroup Center, 500 W. Madison, Suite 1475, Chicago, IL 60661, phone number 312-730-1450, fax 312-730-1576.

### Board Policy #203—Harassment

1. Introduction: As an educational institution, the College serves as a model agency in the community. Harassment subverts the mission of the College; threatens the well-being of students, faculty, and staff; and will not be tolerated.
2. Definition of Harassment: Harassment is defined as verbal or physical conduct or graphic display which is offensive or shows malice toward an individual because of his/her creed, color, national origin, ancestry, age, sex, religion, marital status, familial status, genetic information, gender identity, affectional or sexual orientation, liability for service in the Armed Forces of the United States, disability, or protected activity (i.e. opposition to prohibited unlawful discrimination or participation in the compliant process). Sexual harassment is a form of unlawful gender discrimination and, likewise, will not be tolerated.
3. Harassment Policy
  - a. Because staff and students at the College have a right to be free from harassment by colleagues, supervisors, instructors, or students, the College does not condone actions or words which a reasonable person would regard as harassing or coercive. This statement means that the following behaviors will not be tolerated:
    - (1) Abuse that diminishes the dignity of an employee or student through insulting or degrading remarks or conduct;
    - (2) Threats, demands, or suggestions that an employee's work status or a student's academic progress is contingent upon his/her toleration of or acquiescence to harassment.
  - b. Educational efforts are essential to the establishment of a campus environment that is as free as possible of harassment and in which highest standards of conduct are observed. There are at least four goals to be achieved through education:
    - (1) Ensuring that all victims (and potential victims) are aware of their rights.
    - (2) Notifying individuals of conduct that is prohibited.

- (3) Informing administrators about the proper way to address complaints of violations of this policy.
- (4) Helping educate the insensitive about the problems this policy addresses.

4. Sexual Harassment: Staff in positions of authority need to be sensitive to the potential for conflicts of interest in personal relationships with students or subordinate employees. When significant disparities in age or authority are present between two individuals, questions about professional responsibility and the mutuality of consent to a personal relationship may well arise.

Definition of Sexual Harassment: The Equal Employment Opportunity Commission characterizes sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Such behavior is illegal when any of the following occur:

- a. Submission to such conduct is made either explicitly or implicitly a term or condition of status as a student or employee;
- b. Submission to or rejection of such conduct by an individual is used as the basis for decisions affecting such individuals= employment or academic progress; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or creating an intimidating, hostile, or offensive working or academic environment.

Sexual harassment can also take place between peers. Any time questionable behavior takes place, whether during work, class, or other College functions, it should be reported.

Sexual harassment takes many forms, for example:

- repeated and unwanted staring, comments, or propositions of a sexual nature
- subtle pressure for sexual activity
- sexist remarks about a person's clothing, body, or sexual activities
- graphic material including printed or electronic display
- unnecessary touching, patting, hugging, or brushing against a person's body
- direct or implied threats that submission to sexual advances will be a condition of employment, work status, grades, or letters of recommendation
- physical assault

Sexual Harassment Policy: The relationship between staff and students is central to the mission of the College. It is essential to establish that the standard of expected conduct in that relationship goes beyond the normal description against sexual harassment. What might appear to be consensual, even to the parties involved, may in fact not be so. Recent court cases tend to support this view.

Staff members exercise power over students, whether in giving them praise or criticism, evaluating them, making recommendations for their further studies or their future employment, or conferring any other benefits on them.

Therefore, the College will view it as unethical and inappropriate if staff members engage in amorous relations with students enrolled in their classes or subject to their supervision, even when both parties appear to have consented to the relationship. Exceptions might be previous and ongoing relationships, such as husband and wife.

5. Courses of Action:

- a. Students who feel that they have been the subjects of such harassment should advise the Vice President of Student Services or the Executive Director of Human Resources.
- b. Staff members should advise one of the following: their immediate supervisor, the appropriate Vice President, or the Executive Director of Human Resources.
- c. When the College is informed or made aware of a possible harassment situation, an investigation will be conducted according to the procedures outlined in the NICC Human Resources policy: *Equal Opportunity, Harassment, and Nondiscrimination*.

## **Board Policy #207—Campus Sexual Violence Elimination (Campus SaVE Act)**

1. General Statement: Under Title IX, and as standard for the Student Conduct Code, Northeast Iowa Community College will not tolerate and prohibits sexual assault and all forms of sexual misconduct including intimate partner violence, stalking, dating violence, sexual violence, sexual harassment, and domestic violence offenses.

In publishing this policy the College is not intending to substitute or supersede related civil and/or criminal law. It should be clearly understood that there is a fundamental difference between the nature and purpose of student discipline and criminal law. Criminal law considers gross sexual assault and unlawful sexual contact to be serious crimes that are punishable by imprisonment in jail and/or probation. It also involves creation of a criminal record and may include a monetary fine.

All students, faculty, and staff, as well as members of the public participating in College activities have the right to an environment free from sexual or physical intimidation that would prevent a reasonable person from attaining educational goals or living and working in a safe environment. If there is reason to believe that NICC campus regulations prohibiting sexual misconduct in any form have been violated, on or off-campus, the administration will pursue disciplinary action through the appropriate College procedures. Moreover, this policy does not differentiate the types of offenses based on the kind of relationship between the individuals. NICC complies with its obligation to investigate and resolve concerns of all forms of sexual misconduct regardless of whether or not a formal complaint is filed, in order to maintain a non-discriminatory and respectful educational environment.

2. Public Law 113-4, Section 304 – Violence Against Women Reauthorization Act of 2013, Campus Sexual Violence, Domestic Violence, Dating Violence, and Stalking Education and Prevention. The College will comply with all state and federal laws regarding sexual assault and all forms of sexual misconduct including intimate partner violence, stalking, dating violence, sexual violence, sexual harassment, and domestic violence offenses. This will include compliance with notification and education requirements.
3. Policy and Procedures: Under the direction of the Title IX Coordinator, College administrators will develop, disseminate, and maintain policies and procedures which will ensure full compliance with the requirements of state and federal laws relating to intimate partner violence, stalking, dating violence, sexual violence, sexual harassment, and domestic violence offenses.