

Title IX Defined

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 education program or activity receiving federal financial assistance. (**Title IX** of the Education Amendments of 1972).

Anti-Harassment/Violence and Discrimination Policy

Capri College (The School) is committed to providing a work and school environment free of unlawful harassment, violence or discrimination. In furtherance of this commitment, all students and employees participate in a mandatory Sexual Harassment/Violence and Prevention Training upon starting, and ongoing prevention and awareness programs are scheduled regularly. School policy prohibits harassment or discrimination based on race, religion, creed, color, national origin, ancestry, sex (including pregnancy, childbirth or related medical conditions), military or veteran status, physical or mental disability, medical condition, marital status, age, sexual orientation, gender, gender identity or expression, genetic information or any other basis protected by the federal, state or local law. Additionally, in accordance with Title IX of the Education Amendments of 1972, the School prohibits discrimination based on sex, which includes sexual harassment and sexual violence, and the School has jurisdiction over Title IX complaints.

The School's anti-harassment policy applies to all persons involved in the operation of the School and prohibits unlawful harassment by any employee of the School, as well as students, customers, vendors or anyone who does business with the School. It further extends to prohibit unlawful harassment by or against students. Any employee, student or contract worker who violates this policy will be subject to disciplinary action. To the extent a customer, vendor or other person with whom the School does business engages in unlawful harassment or discrimination, the School will take appropriate corrective action.

Definitions

Sexual Harassment is defined as unwelcome conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature. Sexual harassment is conduct that explicitly or implicitly affects a person's employment or education or interferes with a person's work or educational performance or creates an environment such that a reasonable person would find the conduct intimidating, hostile or offensive.

Sexual Violence is defined as physical sexual acts engaged in without the consent of the other person or when the other person is unable to consent to the activity. Sexual violence includes sexual assault, rape, battery, and sexual coercion; domestic violence; dating violence; and stalking.

Domestic Violence is defined as abuse committed against an adult or a minor who is a spouse or former spouse, cohabitant or former cohabitant, or someone with whom the abuser has a child, has an existing dating or engagement relationship, or has had a former dating or engagement relationship.

Dating Violence is defined as abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Sexual Assault occurs when a physical sexual activity is engaged in without the consent of the other person or when the other person is unable to consent to the activity. The activity or conduct may include physical force, violence, threat, or intimidation, ignoring the objections of the other person, causing the other person's intoxication or incapacitation through the use of

drugs or alcohol, and taking advantage of the other person's incapacitation (including voluntary intoxication).

Stalking is behavior in which a person repeatedly engages in conduct directed at a specific person that places that person in reasonable fear of his or her safety or the safety of others.

Consent is informed, voluntary and revocable. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. It must be given without coercion, force, threats or intimidation. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

Prohibited Conduct

This policy strictly prohibits sexual or other unlawful harassment or discrimination as well as sexual violence, as defined above. Sexual or other unlawful harassment or discrimination includes any verbal, physical or visual conduct based on sex, race, age, national origin, disability or any other legally protected basis if:

- submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;
- submission to or rejection of such conduct by an individual is used as a basis for decisions concerning that individual's education or employment; or
- it creates a hostile or offensive work environment, which means the alleged conduct is sufficiently serious to limit or deny a student's or ability to participate or benefit from the student's education program.

Unlawful harassment or discrimination may include racial epithets, slurs and derogatory remarks, stereotypes, jokes, posters or cartoons based on race, national origin, age, disability, marital status or other legally protected categories.

Sexual harassment is conduct based on sex, whether directed towards a person of the opposite or same sex, and may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", practical jokes, jokes about or displays of obscene printed or visual material, questions about sexual fantasies, preferences or history, and physical contact such as patting, pinching, or intentionally brushing against another person's body.

Gender-based harassment, including acts of verbal, nonverbal or physical aggression, intimidation, or hostility based on sex or sex-stereotyping are strictly prohibited, even if those acts do not involve conduct of a sexual nature.

Complaint/Grievance Procedure

If you believe that you have experienced or witnessed sexual harassment or sexual violence, notify the School Director, Instructor, Class Advisor, Student Services, Human Resources or the Title IX Coordinator as soon as possible after the incident. Do not allow an inappropriate situation to continue by not reporting it, regardless of who is creating the situation. No employee, contract worker, student, vendor or other person who does business with the School is exempt from the prohibitions in this policy. Supervisors will refer all harassment complaints to the Title IX Coordinator for student-related complaints and to the Human Resources Department if the complaint is between employees. In order to facilitate the investigation, your complaint should include details of the incident or incidents, names of the individuals involved, including witnesses.

All complaints involving a student will be referred to the campus's Title IX Coordinator. The Title IX Coordinator is listed below and has the responsibility of overseeing all Title IX complaints and identifying and addressing any patterns or systemic problems that arise during the review of such complaints.

Title IX Coordinators / Investigators / Decision Makers:

Cedar Rapids Team – 2945 Williams Parkway SW, Cedar Rapids IA 52404 (319-364-1541)

Title IX Coordinator: Whitney Connor, wconnor@capricollege.com

Title IX Investigator: Sara Hollingshead, shollingshead@capricollege.com

Title IX Decision Maker: Chris Fiegen, clfiegen@capricollege.com

Davenport Team – 2540 E. 53rd Street, Davenport, IA 52807 (563-388-6642)

Title IX Coordinator: Elyssa Brookhouse ebrookhouse@capricollege.com

Title IX Investigator: Amy Bailey abailey@capricollege.com

Title IX Decision Maker: Matt Fiegen, mfiegen@capricollege.com

Dubuque Team – 395 Main Street, Dubuque, IA 52001 (563-588-2379)

Title IX Coordinator: Allison Yonda, ayonda@capricollege.com

Title IX Investigator: Josh Miller, jmiller@capricollege.com

Title IX Decision Maker: Matt Fiegen, mfiegen@capricollege.com

Waterloo Team – 2323 Crossroads Blvd, Waterloo, IA 50702 (319-234-2600)

Title IX Coordinator: Julia Surprenant, jsurprenant@capricollege.com

Title IX Investigator: Trish Erger, terger@capricollege.com

Title IX Decision Maker: Matt Fiegen, mfiegen@capricollege.com

The School ensures that its employee(s) designated to serve as Title IX Coordinator(s) have adequate training on what constitutes sexual harassment, including sexual violence, and that they understand how the School's grievance procedures operate. Because complaints can also be filed with an employee's supervisor or Human Resources, these employees also receive training on the School's grievance procedures and any other procedures used for investigating reports of sexual harassment.

Investigation of Complaints

In response to all complaints, the School promises prompt and equitable resolution through a reliable and impartial investigation of complaints, including the opportunity for both parties to present witnesses or other evidence. The time necessary to conduct an investigation will vary based on complexity but will generally be completed within sixty (60) days of receipt of the complaint. The School shall maintain confidentiality for all parties to the extent possible, but absolute confidentiality cannot be guaranteed. In cases where a student does not give consent for an investigation, the School will weigh the student's request for confidentiality against the impact on School safety to determine whether an investigation must proceed. Complainants should be aware that in a formal investigation due process generally requires that the identity of the charging party and the substance of the complaint be revealed to the person charged with the alleged harassment.

The preponderance of the evidence standard will apply to investigations, meaning the School will evaluate whether it is more likely than not that the alleged conduct occurred. Both parties may have one other person (including attorney if desired) present at any proceedings or meetings related to alleged offence. Both parties will receive written notice of the outcome of the complaint.

During the investigation, the School will provide interim measures, as necessary, to protect the safety and wellbeing of students and/or employees involved. If the School determines that unlawful harassment or sexual violence has occurred, immediate appropriate corrective action

will be taken in accordance with the circumstances involved, and the School will take steps to prevent the recurrence of any harassment or discrimination, including changing a victim's academic situation after an alleged sex offense, and the options for those changes if those changes are requested by the victim and are reasonably available.

Any employee determined by the School to be responsible for unlawful harassment or discrimination will be subject to appropriate disciplinary action, up to and including termination. Remedies for student-related claims may include, but are not limited to, an order to stay away, suspension or expulsion. Students and Employees have option to notify appropriate law enforcement agencies, and the school will assist as requested. To initiate a criminal investigation, reports of sexual violence should be made to "911" or local law enforcement. The criminal process is separate from the School's disciplinary process. A law enforcement investigation does not relieve the school of its independent Title IX obligation to investigate the conduct and resolve complaints promptly and equitably. Police investigations may be useful for fact-gathering; but because the standards for criminal investigations are different, police investigations or reports are not determinative of whether sexual harassment or violence violates Title IX. Conduct may constitute unlawful sexual harassment under Title IX even if the police do not have sufficient evidence of a criminal violation. To the extent that an employee or contract worker is not satisfied with the College's handling of a harassment or discrimination complaint, he or she may also contact the appropriate state or federal enforcement agency for legal relief.

Retaliation Prohibited

The School will not retaliate against you for filing a complaint, and will not tolerate retaliation by students or employees. If you believe you have been retaliated against, you should promptly notify your supervisor, Human Resources or the Title IX Coordinator.

Reporting Requirements

Victims of sexual misconduct should be aware that School administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to other members of the campus community. The School will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger. The School reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, or a change in student status. The school must report, annually, all campus crime incidents.

Under the Violence Against Women Act, colleges and universities are required to:

- Report domestic violence, dating violence, and stalking, beyond crime categories the Clery Act already mandates
- Adopt certain student discipline procedures, such as for notifying purported victims of their rights; and
- Adopt certain institutional policies to address and prevent campus sexual violence, such as to train in particular respects pertinent institutional personnel

Because Capri is a relatively small campus without dormitories or housing, and our enrollments are predominately female, the campus crime statistics are low. However, Capri College has implemented programs and protocol to educate and serve our students. The policy for reporting sexual assault is included in the "Capri College Student Catalog/Handbook, and can also be found on-line on the "disclosure" tab at www.capricollege.edu. Also, included on this tab is the "Capri College Jeanne Cleary Campus Security Report", which is also updated and made available to each student October 1. This report offers the campus crime statistics, including sexual assault reports, for three prior years.

The Clery Act requires that colleges inform students of procedures that victims should follow, such as preservation of evidence and to whom the offenses should be reported. VAWA adds that institutional policies must also include information on:

1. Victims' option to, or NOT to, notify and seek assistance from law enforcement and campus authorities
2. Victims' right and institutional responsibilities regarding judicial no-contact, restraining, and protective orders.

Preventative safety measures in place at Capri College include timely scheduled presentations addressing sexual assault risk reduction, sexual assault education and reporting protocol, evidence preservation processes, stalking prevention (stalking, defined as conduct directed at a specific person that would cause a person to fear for his/her/other's safety, or suffer substantial emotional distress) domestic abuse, dating violence, acquaintance rape, etc. These issues are addressed at orientation, as well as scheduled programs for all students throughout the calendar year. The dates of these educational events are posted prior to the presentation date and announced to the student body. Student Support Services keeps on file a schedule of the programs, as well as a participant attendance roster. Other safety measures in place include a college issued "rape whistle" and a policy encouraging students to leave the building in groups and/or inform the college staff that they will be walking alone to their car, especially after dark. Complete literature on sexual assault risk reduction, date rape education, and the responsibility and reporting process of the College is available through Student Support Services or from the School Director.

If you are a victim of a sexual assault, your first priority should be to get to a place of safety. You should then obtain necessary medical treatment. The Police Department strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault, whether it occurs on or off campus, should be reported directly to the Capri College School Director and/or Student Support Services. Filing a police report with the college will not obligate the victim to prosecute, nor will it subject the victim (either student or employee) to scrutiny, negative repercussion or judgmental opinions from the College. The College will help file a police report, if requested. Filing a police report will:

- ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
- provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam);
- assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

Upon report of an alleged sex offense, the school will investigate immediately with the victim's confidentiality respected. The specifics of the assault and the names of the victim and the offender will be kept confidential to the extent that maintaining such confidentiality would not impair the ability of Capri College to provide protective measures. The school has mandated protocol in place of reporting any and all sexual offenses to the School Director or Student Services. The school will adhere to any legal sanctions or protective measures imposed as a result of a final determination of any sexual assault incidences. The college is also obligated to comply with a student's request for an academic situation change following an alleged sex offense, which includes a change in schedule, protection and precautions that the alleged offender not be permitted to have contact with the victim through classes or lab services.

Various counseling options are available from the city POLICE DEPARTMENT. Counseling and support services can be obtained through the Rape and Sexual Abuse Center and the Victim Intervention Programs in the city of the Capri Campus. See Student Services for a listing of services and phone numbers. Also, a listing of counseling opportunities can be found on student disclosure tab on the Capri College website at www.capricollege.edu and state-wide listings can be found at the following website. <http://www.state.ia.us/government/ag/map/map.html>.

As part of the School's commitment to providing a harassment-free working and learning environment, this policy shall be disseminated to the School community through publications, the School website, new employee orientations, student orientations, and other appropriate channels of communication. The School provides training to key staff members to enable the School to handle any allegations of sexual harassment or sexual violence promptly and effectively. The School will respond quickly to all reports, and will take appropriate action to prevent, to correct, and if necessary, to discipline behavior that violates this policy.

Additional Information

Students may contact the Title IX Coordinator with any questions related to this policy. The school will also provide contacts to counseling, mental health or other services (health, victim advocacy, legal assistance) for victims of discrimination or sex offenses. The school will also help obtain or enforce a no contact directive or restraining order. In addition, the U.S. Department of Education Office for Civil Rights ("OCR") investigates complaints of unlawful harassment of students in educational programs or activities. This agency may serve as a neutral fact finder and will attempt to facilitate the voluntary resolution of disputes with the parties. For more information, visit the OCR website at: <http://www.hhs.gov/ocr/>