

**Title IX Defined**

No person in the United States shall, based on 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 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.

Capri College'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.

Capri College educates the incoming and current student and employees about sexual violence, violence prevention, and all relevant policies and procedures during all orientations held for new and current students at the onset of a class and at least annually.

In addition, Capri College conducts new and current employee training on these topics at least annually. The Title IX Coordinator is responsible for training all current students and employees about Capri College policies regarding sexual violence and for conducting the new student and employee training.

Capri College engages in educational programming to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

1. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
2. Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
3. Defines what behavior and actions constitute consent to sexual activity:

Sexual intimacy requires that all participants consent to the activity. Consent between two or more people is defined as an affirmative agreement--through clear actions or words--to engage in sexual activity. The person giving the consent must act freely, voluntarily, and with an understanding of their actions when giving the consent. Lack of protest or resistance does not constitute consent, nor does silence mean consent has been given. Relying solely on nonverbal communication can lead to misunderstanding. Persons who want to engage in the sexual activity are responsible for obtaining consent--it should never be assumed. A prior relationship or prior sexual activity is not sufficient to demonstrate consent.

Consent must be present throughout the sexual activity--at any time, a participant can communicate that they no longer consent to continuing the activity. If there is confusion as to whether anyone has consented or continues to consent to sexual activity, it is essential that the participants stop the activity until the confusion can be clearly resolved.

The following people are unable to give consent:

- Persons who are asleep or unconscious
- Persons who are incapacitated due to the influence of drugs, alcohol, or medication (see "Resource Links" below for Iowa Code Section 709.1A, Incapacitation)
- Persons who are unable to communicate consent due to a mental or physical condition. Generally, minors under the age of 16.

4. Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander.

When & How to Intervene

Every situation is different and there is no universal response when intervening to prevent sexual violence. Safety is key in deciding when and how to respond to sexual violence. Every person must decide for themselves the safest and most meaningful way to become an engaged bystander. Some ideas on how to maintain safety while being an engaged bystander:

- If you witness sexual violence, get support from people around you. You do not have to act alone. If you do not feel safe, contact the police.
- When intervening, be respectful, direct and honest.
- Group setting and sexual gestures made to a person in the group. Person becomes upset. An engaged bystander could tell the group to stop harassing the person or ask the person if they want to leave and tell an appropriate authority (Ex: Instructor or Supervisor.)
- Group setting and a friend starts flirting with someone. The other person is not interested, but the friend will not leave them alone. An engaged bystander could approach the friend and start a conversation to distract them from the uninterested person.

5. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks. – See below Risk Reduction/Warning Signs of Abusive Behavior

6. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

This educational campaign will consist of but not be limited to the distribution of educational materials to new students, participating in and presenting information and materials during student/employee orientation and through newsletters among other means of distribution through the year. The college also has a directory of services that are available to victims within the community to assist those who have suffered from a criminal act.

Risk Reduction/Warning Signs of Abusive Behavior

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warnings signs of abusive behavior and how to avoid potential attacks.

Warning Signs of Abusive Behavior

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while

physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

1. Being afraid of your partner.
2. Constantly watching what you say to avoid a “blow up.”
3. Feelings of low self-worth and helplessness about your relationship.
4. Feeling isolated from family or friends because of your relationship.
5. Hiding bruises or other injuries from family or friends.
6. Being prevented from working, studying, going home, and/or using technology (including your cell phone.)
7. Being monitored by your partner at home, work, or school.
8. Being forced to do things you don’t want to do. Help Reduce Your Risk and avoid potential attacks

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

1. Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
2. Consider making a report with the College Administrator and ask for a “no contact” directive from the college to prevent future contact.
3. Consider getting a protective order or stay away order.
4. Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
5. Trust your instincts—if something doesn’t feel right in a relationship, speak up or end it.

Sexual Assault Prevention (From Rape, Abuse and Incest National Network - RAINN)

1. Try not to leave your drink unattended.
2. Only drink from un-opened containers, or from drinks you have watched being made and poured.
3. Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top or choose drinks that are contained in a bottle and keep your thumb over the nozzle.
4. If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible.
5. If you suspect you have been drugged, go to a hospital and ask to be tested.
6. Keep track of how many drinks you have had.
7. Try to come and leave with a group of people you trust.
8. Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours.
9. Traveling to and from campus and outside the campus building make sure your cell phone is easily accessible and fully charged.
10. Take major, public paths rather than less populated shortcuts if walking to and from the college.
11. Avoid dimly lit places and talk to the College Administrator if lights need to be installed in an area.
12. Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
13. Carry a noisemaker on your keychain.
14. Carry a small flashlight on your keychain.

Information regarding sexual discrimination, including sexual harassment or sexual violence, may also be reported by anyone to: U.S. Office for Civil Rights by email at [ocr@ed.gov](mailto:ocr@ed.gov) or at the addresses provided at the following website: <https://www.hhs.gov/civil-rights/filing-a-complaint/index.html>.

## **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.

**"Cyber stalk"** means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose. A person who willfully, maliciously, and repeatedly follows, harasses, or cyber stalks another person commits the offense of stalking, a misdemeanor of the first degree.

**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:

1. *submission to such conduct is made either explicitly or implicitly a term or condition of an individual's education or employment;*
2. *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*
3. *it creates a hostile or offensive work environment, which means the alleged conduct is sufficiently serious to limit or deny a student's ability to participate in 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](mailto:wconnor@capricollege.com)

Title IX Investigator: Sara Hollingshead, [shollingshead@capricollege.com](mailto:shollingshead@capricollege.com)

Title IX Decision Maker: Matt Fiegen, [mfiegen@capricollege.com](mailto:mfiegen@capricollege.com)

#### **Davenport Team – 2540 E. 53<sup>rd</sup> Street, Davenport, IA 52807 (563-388-6642)**

Title IX Coordinator: Kayla Kinkaid, [davadm@capricollege.com](mailto:davadm@capricollege.com)

Title IX Investigator: Elyssa Brookhouse, [ebrookhouse@capricollege.com](mailto:ebrookhouse@capricollege.com)

Title IX Decision Maker: Matt Fiegen, [mfiegen@capricollege.com](mailto:mfiegen@capricollege.com)

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

Title IX Coordinator: Allison Yonda, [ayonda@capricollege.com](mailto:ayonda@capricollege.com)

Title IX Investigator: Jeni Banwarth, [jbanswarth@capricollege.com](mailto:jbanswarth@capricollege.com)

Title IX Decision Maker: Matt Fiegen, [mfiegen@capricollege.com](mailto:mfiegen@capricollege.com)

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

Title IX Coordinator: Brenna Goodrich, [bgoodrich@capricollege.com](mailto:bgoodrich@capricollege.com)

Title IX Investigator: Trish Villarreal, [tvillarreal@capricollege.com](mailto:tvillarreal@capricollege.com)

Title IX Decision Maker: Matt Fiegen, [mfiegen@capricollege.com](mailto:mfiegen@capricollege.com)

The School ensures that 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 the 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](http://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' rights 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 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 the necessary medical treatment. The Police Department strongly advocates that a victim of sexual assault reports 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:

1. ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;
2. 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);
3. 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](http://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>