

Campus Safety and Security

North Iowa Area Community College

July 1, 2017

Pursuant to the Student Right to Know and Campus Security Act, North Iowa Area Community College monitors criminal activity and publishes this report and maintains a three-year statistical history. The College distributes a copy of this report to each current student and employee through the portal. NIACC notifies prospective students and employees of its availability and provides a copy upon request.

Security and Access to Campus Facilities

Normal access to campus facilities is Monday through Friday, 7 a.m. to 10:30 p.m. Facilities may be open by reservation and/or prearrangement at other times. The campus is closed during other times and on holidays.

Facilities staff is on duty Monday through Friday, 5:00 a.m. to midnight, and Saturday and Sunday, 7:00 a.m. to 11:00 p.m. Student Security staff is on duty Monday through Thursday, 6:00 p.m. to 11:00 p.m. They are directed to report any unusual happenings immediately to their supervisor and/or the police by dialing 911. Campus and college housing are regularly checked by the Mason City Police Dept.

Campus Community Education Regarding Security Procedures

NIACC encourages students and employees to be responsible for their safety and the safety of others. New employees are informed about security policies and procedures at the annual New Employee Orientation. At each College Orientation, students are given information regarding security policies and procedures on College property. In addition, students living in College housing are given more specific information on security procedures.

Substance Abuse Prevention

NIACC recognizes drug abuse as a potential health, safety, and security problem. Students needing help in dealing with such problems are encouraged to seek assistance from our College professional counselors available in the Student Development Office located in the Administration Building, Room 104, and to utilize the resources made available through the campus and the community. For pertinent information regarding substance abuse, the following website reflects extensive research by The Office of National Drug Control Policy: www.whitehousedrugpolicy.gov.

The legal drinking age in the state of Iowa is 21. The unlawful manufacture, distribution, dispensation, possession, or use of illicit drugs and alcohol on College property or as a part of any college-sponsored activity is prohibited. Violations of this policy will result in disciplinary action, up to and including expulsion, and may have legal consequences. Note: When College-sponsored events take place in states or countries where more lenient laws exist, the legal age shall be defined as 21. College sponsors of off-campus events have the right to develop and enforce more stringent rules (such as no alcohol).

Activities to promote responsible decision making concerning the use of alcohol by students are organized by the NIACC Student Government.

Sexual Assault

Members of the counseling staff understand the personal and potentially traumatic nature of these incidents and are available to provide students with support, information, and guidance in responding to incidents involving sexual assault.

What to do if you are sexually assaulted

There are a variety of options available to students who are sexually assaulted. Listed below are several options students may choose when attempting to resolve some of the issues associated with a sexual assault. An individual may select all of these options, or he/she may select none of them. One important component of the recovery after a sexual assault is talking about the incident, and each person must choose the avenue that is best for him/her.

1. Contact the police immediately. Dial 911. Even if a person is unsure whether or not he/she wishes to file criminal charges, reporting the incident to the police helps maintain available options by preserving important evidence. An individual should not wash, douche, or shower following an assault because it could destroy evidence. Members of the counseling staff are available to assist students throughout this process.
2. Contact a trained sexual assault advocate. Advocates are available through the Crisis Intervention Service and may be contacted by the police, emergency room personnel, or directly through their answering service at 641-424-9071 or 800-479-9071. Advocates are available 24 hours each day, and may provide valuable support and information.
3. Contact Prairie Ridge Integrated Behavioral Healthcare. Professional counselors are an invaluable resource in surviving a sexual assault. Counselors can provide immediate as well as long-term support and may be contacted at 641-424-2391.
4. Report the incident to the Vice President for Student Services. He/she can provide information about on-campus counseling services and campus disciplinary systems. The NIACC campus discipline system will be utilized for incidents where the parties involved are NIACC students.

Sexual assault prevention programs are sponsored annually on the NIACC campus with the goal of promoting safe, healthy, nonviolent relationships. Educational information is presented at new student orientation, during residence halls programs, and through brochures available throughout campus.

Sexual Misconduct and Non-Discrimination Policy

Statement of Institutional Values

Sexual misconduct of any form is a violation of a person's rights, dignity and integrity. An act of sexual misconduct represents a fundamental failure by a community member to recognize and respect the intrinsic worth and dignity of another. Acts of sexual misconduct are harmful and illegal and will not be tolerated at NIACC. Such acts corrupt the integrity of the educational process, are contrary to the mission and values of the NIACC community and are against College policy.

All members of the NIACC community should be free from sexual misconduct in the classroom; the social, recreational and residential environment; and the workplace. The College seeks to foster a climate free from sexual misconduct through a coordinated education and awareness program, the promulgation of clear and effective policies, as well as investigative and grievance procedures that are prompt, equitable, and accessible to all. In response to any reported sexual misconduct, the College will take all appropriate steps to eliminate the misconduct, prevent its recurrence and address its effects.

In order to foster a climate of respect for oneself and for one another and provide for the safety and security of our community, the College expects all community members to take action to prevent acts of sexual misconduct. Creating a safe campus environment is the responsibility of all members of the College community, both individually and collectively.

In order to foster a climate that encourages reporting of sexual misconduct, the College will actively educate the community, respond to all allegations promptly, will provide interim measures to address safety and emotional well-being, and will act in a manner that recognizes the inherent dignity of the individuals involved.

In order to achieve equitable results, the College will carefully review and/or investigate all reports with an earnest intent to understand the perspective and experiences of each individual involved, and provide for fair and impartial evaluation and resolution.

Purpose of Policy

The purpose of this policy is to provide the NIACC community with a clear articulated set of behavioral standards, common understanding of definitions and key concepts, and descriptions of prohibited conduct. This policy applies to all community members, including students, faculty, and staff. It is intended to protect and guide students, faculty and staff who have been affected by sexual misconduct, whether as a Complainant, a Respondent, or a third party.

When used in this policy, a Complainant refers to the individual who believes to have been the subject of sexual misconduct. A Respondent refers to the individual who has been accused of sexual misconduct. A third party refers to any other participant in the process, including a witness to the incident or an individual who makes a report on behalf of someone else. A report refers to any incident or concern regarding sexual misconduct that is reported to the College. A complaint is an allegation of sexual misconduct filed against a faculty or staff member or student that initiates the appropriate disciplinary process.

In addition to defining sexual harassment and the forms of sexual misconduct that violate the standards of our community, this policy will also:

- Identify resources and support for all members of the NIACC community.
- Identify Title IX Coordinators.
- Provide information about where a College community member can obtain support or access resources in a confidential manner.
- Provide information about how a College community member can make a report.
- Provide information about how a report against a College community member will be investigated, evaluated and resolved.

Scope

As stated above, this policy applies to all members of the NIACC community, including students, employees, visitors, and independent contractors. When used in this policy, employee generally refers to both staff and faculty members. Vendors, independent contractors, visitors, and others who conduct business with the College or on College property are also expected to comply with this policy.

All College community members are responsible for their actions and behavior, whether the conduct in question occurs on campus or in another location. Members of the NIACC community have a responsibility to adhere to College policies and local, state, and federal law.

As a result, this policy applies both to on-campus and off-campus conduct. In particular, off-campus behaviors that have an actual or potential adverse impact on any member of the College community or the College fall under this policy including events (athletic and otherwise) sponsored by the College.

Any individual may make a report alleging a violation of this policy. The College will provide resource options and respond promptly and equitably to all allegations of sexual misconduct.

The College will engage in a Title IX review throughout which it is committed to maintaining fairness for all parties and to balancing the needs and interests of the individuals involved with the safety of the community as a whole.

Coordination with Non-Discrimination Policy

The College recognizes that harassment related to an individual's sex, sexual orientation, gender identity or gender expression can occur in conjunction with misconduct related to an individual's race, color, ethnicity, national origin, religion, age, marital status, or disability. Targeting individuals on the basis of these characteristics is also a violation of the community standards. Under these circumstances, the College will coordinate the investigation and resolution efforts to address harassment related to the targeted individual's sex, sexual orientation, gender identity or gender expression together with the conduct related to the targeted individual's race, color, ethnicity, national origin, religion, age, marital status or disability.

Notice of Non-Discrimination

The College is committed to establishing and maintaining an environment free of all forms of harassment and discrimination for all College community members. The College does not discriminate on the basis of race, color, creed, national origin, age, marital status, sex (including pregnancy), sexual orientation, gender identity or expression, physical or mental disability, religion, veteran status, genetic information, or any other protected class.

The College does not discriminate on the basis of sex in its educational, extracurricular, athletic, or other programs or in the context of employment. Sexual misconduct, including sexual harassment as defined in this policy, is a form of sex discrimination that unjustly deprives a person of equal treatment. It is prohibited by Title IX of the Education Amendments of 1972, a federal law that provides that:

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.

This policy prohibits sexual misconduct against all NIACC community members of any gender or sexual orientation. This policy also prohibits gender-based harassment that does not involve conduct of a sexual nature.

College Statement on Privacy

The College is committed to maintaining the privacy of all individuals involved in the report of sexual misconduct. In any Title IX review of an allegation of sexual misconduct, every effort will be made to protect the privacy and interests of the individuals involved in a manner consistent with the need for a thorough review of the allegation. Such a review is essential to protecting the safety of the Complainant, the Respondent, and the broader campus community and to maintaining an environment free from sexual discrimination.

At all times, the privacy of the parties will be respected and safeguarded. Information related to a report of misconduct will be shared only with those College employees who need to know in order to assist in the investigation and/or resolution of the complaint. All College employees, who are involved in the Title IX review process, have received specific training regarding the safeguarding of private information. Students or employees wishing to obtain confidential assistance through on-campus or off-campus resources, without making a report to the College, may do so by speaking with professionals who are obligated by law to maintain confidentiality. These professionals are identified in the Resources section of this position. As a reminder, students may seek confidential assistance on campus through the Counseling Office. Employees may seek confidential assistance through the Employee Assistance Program. Community resources include Crisis Intervention, Prairie Ridge Integrated Healthcare, Parents United of North Central Iowa, and the Sexual Assault Center.

When the College has received a report of sexual misconduct, but the Complainant requests that his/her identity remain confidential or that the College not pursue an investigation, the College will balance this request with its responsibility to provide a safe and non-discriminatory environment for all College community members. The College will take all reasonable steps to investigate and respond to the

Complainant consistent with the request for confidentiality or request not to pursue an investigation. At all times, the College will seek to respect the request of the Complainant, and where it cannot do so, the College will consult with the Complainant and keep him/her informed about the chosen course of action.

If a report of misconduct discloses an immediate threat to the College campus community, the College may issue a timely notice of the conduct to the community to protect the health or safety of the broader campus community. This notice will not contain any biographical or other identifying information. Immediately threatening circumstances include, but are not limited to, recently reported incidents of sexual misconduct that include the use of force, a weapon, or other circumstances that represent a serious and ongoing threat to College students, faculty, administrators, staff, or visitors. All resolution proceedings are conducted in compliance with the requirements of FERPA, the Clery Act, Title IX, and College policy. No information shall be released from such proceedings except as required or permitted by law or College policy.

Prohibited Conduct and Definitions

The College prohibits sexual misconduct. Sexual misconduct is a broad term that includes but is not limited to sexual harassment, sexual violence, sexual exploitation, stalking, cyber-stalking, hazing, bullying and cyber-bullying, aiding or facilitating the commission of a violation, and retaliation.

NIACC prohibits supervisors and managers from dating or having any amorous or sexual relationship (consensual or otherwise) with a subordinate, including student employees. NIACC reserves the right to take whatever action is appropriate to protect the College's interests in the event of a violation of this policy (including reassignment or dismissal of one or more employees involved).

Consistent with the values of an educational and employment environment free from harassment based on sex, the College also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

Definition of Sexual Harassment

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when:

1. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, evaluation of academic work or participation in social or extracurricular activities.
2. Submission to or reject of such conduct by an individual is used as the basis for decisions affecting the individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance by creating an intimidating, hostile, humiliating, demeaning, or sexually offensive working, academic or social environment. The effect will be evaluated based on the perspective of a reasonable person in the position of a Complainant.

Forms of Sexual Harassment

Sexual harassment is prohibited. In some cases, sexual harassment is obvious and may involve an overt action, a threat or reprisal. In other stances, sexual harassment is subtle and indirect, with a coercive aspect that is unstated.

Sexual harassment can take many forms:

- It can occur between equals (student to student, faculty member to faculty member, visitor to staff) or between persons of unequal power status (i.e., supervisor to subordinate, faculty member to student, coach to student-athlete, student leader to first year student). Although sexual harassment often occurs in the context of an exploitation of power by the individual with the greater power, a person who appears to have less power in a relationship can also commit sexual harassment (i.e., student harassing faculty member).

- It can be committed by an individual or may be a result of the collective actions of an organization or group.
- It can be committed against an individual, an organization or a group.
- It can be committed by an acquaintance, a stranger, or someone with whom the Complainant has a personal, intimate or sexual relationship.
- It can occur by an individual of any sex, gender identity, gender expression or sexual orientation.
- It does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.

Examples of behavior that might be considered misconduct include, but are not limited to:

- Unwanted or inappropriate sexual innuendo, propositions, sexual attention or suggestive comments and gestures; humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality or gender; insults and threats based on sex or gender; and other oral, written or electronic communications of a sexual nature that an individual communicates as unwanted and unwelcome.
- Written graffiti, social media postings, or the display or distribution of sexually explicit drawings, pictures, or written materials; sexually charged name-calling; sexual rumors or ratings of sexual activity/performance/ the circulation, display, or creation of e-mails or websites of a sexual nature.
- Non-academic display or circulation of written materials or pictures degrading to an individual(s) or gender group (it is expected that instructors will offer appropriate warning regarding the introduction of explicit and triggering materials used in the classroom).
- Inappropriate or unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body.
- Undue and unwanted attention, such as repeated inappropriate flirting, inappropriate or repetitive compliments about clothing or physical attributes, staring, or making sexually oriented gestures.
- Physical coercion or pressure of an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances.
- Change of academic or employment responsibilities (increase in difficulty or decrease of responsibility) based on sex, gender identity/express, or sexual orientation.
- Use of a position of power or authority to: (1) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment or (2) promise reward in return for sexual favors.
- Sexual assault.
- Abuse, disruptive or harassing behavior, verbal or physical, which endangers another's mental or physical health, including but not limited to threats, acts of violence, or assault based on gender and/or in the context of intimate partner violence.
- Demeaning verbal or other expressive behavior of a sexual or gendered nature in instructional settings.
- Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping. Harassment for exhibiting what is perceived as a stereotypical characteristic for one's sex, or for failing to conform to stereotypical notions of masculinity and femininity, regardless of actual or perceived sexual orientation or gender identity of the harasser or target.

Additional Forms of Prohibited Sexual Misconduct

Sexual misconduct may vary in its severity and consists of a range of behaviors. The following descriptions represent sexual behaviors that violate NIACC's community standards and a person's rights, dignity, and integrity.

Sexual violence is Physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This includes rape, sexual assault, battery and sexual coercion. Sexual violence may involve individuals who are known to one another or have an intimate and/or sexual relationship, or may involve individuals not know to one another.

Sexual exploitation ó An act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses. Sexual exploitation may involve individuals who are known to one another, have an intimate or sexual relationship, and/or may involve individuals not known to one another.

Stalking ó A course of conduct involving more than one instance of unwanted attention, harassment, physical or verbal contact, or any other course of conduct directed at an individual that could be reasonably regarded as likely to harm or place that individual in fear of harm or injury, including physical, emotional, or psychological harm. This includes cyber-stalking, a particular form of stacking in which electronic media such as the internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass, or any unwelcome contact with another person. Stalking and cyber-stalking may involve individuals who are known to one another or have an intimate or sexual relationship, or may involve individuals not known to one another.

Statement on Consent, Coercion, Incapacitation, and Alcohol

Consent to engage in sexual activity must be knowing and voluntary. Consent to engage in sexual activity must exist from the beginning to end of each instance of sexual activity, and for each form of sexual contact. Consent to one form of sexual contact does not constitute consent to all forms of sexual contact.

Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage freely in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. In the absence of an outward demonstration, consent does not exist.

A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates willingness to engage in sexual activity each time such activity occurs. Consent may be withdrawn by either party at any time. In the state of Iowa, consent may never be given by minors under the age of 16. Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to have sexual contact.

An individual who is incapacitated is not able to make rational, reasonable judgments and therefore is incapable of giving consent. Incapacitation is the ability, temporarily or permanently, to give consent, because the individual is mentally and/or physically helpless due to drug or alcohol consumption, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unaware that the sexual activity is occurring. Where alcohol is involved, incapacitation is a state beyond drunkenness or intoxication.

Bystander Intervention

The College expects all community members to take reasonable and prudent actions to prevent or stop an act of sexual misconduct. Taking action may include intervention, calling law enforcement, or seeking assistance from person in authority. Community members who choose to exercise this positive moral obligation will be supported by the College and protected from retaliation.

Statement against Retaliation

It is a violation of College policy to retaliate in any way against an individual or group because the individual or group of individuals reported an allegation of sexual misconduct.

The College recognizes that retaliation can take many forms, may be committed by an individual or a group against an individual or a group, and that a Respondent can also be the subject of retaliation by the Complainant or a third party. The College will take immediate and responsive action to any report of

retaliation and may pursue disciplinary action as appropriate. An individual reporting sexual misconduct is entitled to protection from any form of retaliation following a report that is made in good faith, even if the report is later not proven.

Disciplinary Action

The College reserves the right to take whatever measure it deems necessary in response to a complaint of harassment or violence by a student, faculty member, staff member, administrator, or other College employee because of sex, sexual orientation, and/or gender identity. Such measures for employees include discipline up to and including termination of employment and for students include, but are not limited to modification of on-campus housing arrangements, probation, and interim suspension from campus pending a decision, and expulsion. Not all forms of sexual harassment and/or sexual violence will be deemed to be equally serious offenses and the College reserves the right to impose different sanctions, ranging from verbal warning to expulsion of enrollment or to termination of employment, depending on the severity of the offense. Title IX requires notification be made to Dr. Shelly Schmit, Title IX Coordinator of the resolution of any potential sexual harassment and/or sexual violence issues.

The individual, in accordance with College policy, may appeal any disciplinary action resulting from this procedure.

Resources

On Campus Contacts (Title IX Coordinators)

Students

Dr. Terri Ewers, Vice President for Student Services, 641-422-4104
Student Development Office, 641-422-4207

Staff

Dr. Shelly Schmit, Vice President for Organizational Development and Human Resources, 641-422-4211

Off Campus Contacts

- Crisis Intervention Services 641-424-9133
- Domestic Violence Hotline 1-800-799-7233 or 1-800-787-3224
- Iowa Sexual Abuse Hotline 1-800-284-7821
- National Child Abuse Hotline 1-800-422-4453
- Parents United of North Central Iowa 641-424-5232
- Prairie Ridge Integrated Behavioral Healthcare 641-424-2391
- Sexual Assault Center 641-422-7433
- Sexually Transmitted Diseases Hotline 1-800-227-8922

Reporting

All College employees, including faculty, staff, and administrators, student employees who have a responsibility for student welfare are required to share with a Title IX Coordinator any report of sexual misconduct they receive or of which they have become aware.

Grievance Procedure

Any person who believes they have been subjected to discrimination, harassment (including sexual harassment, sexual violence, sexual misconduct, domestic violence, dating violence, or stalking), bullying or retaliation may report the behavior to the Title IX Coordinator for the purpose of obtaining a prompt and equitable resolution.

A complainant may submit a written grievance to a Title IX Coordinator with NIACC. A Discrimination/Harassment Complaint Form is available on the MyNIACC portal under Resources.

Individuals additionally always have the right to file a formal complaint with:

Iowa Civil Rights Commission in Des Moines, IA by calling 515.281.4121 or 800.457.4416

or

Office for Civil Rights (Midwestern Division), US Department of Education in Chicago, IL by calling 312.730.1560 or via email to OCR.Chicago@ed.gov.

Complaint Procedure

PROCEDURE FOR RESOLUTION OF DISCRIMINATION COMPLAINTS

Types of Complaints

These procedures specify the requirements for resolving any complaint by a student, prospective student, prospective employee, or any other interested person who believes that he or she has been subjected to discrimination on the basis of sex; race; age; color; creed; national origin; religion; disability; sexual orientation; gender identity; genetic information; political affiliation or actual or potential parental, family, or marital status in its programs, activities, or employment practices, shall have the right to file a formal complaint. Veteran status is also included to the extent covered by law.

Jurisdiction

These procedures apply to the administration of the College's, employment practices, educational programs, and activities, including recruitment, admission, counseling and guidance, program selection and placement.

If conducting business or participating in training at other educational organizations or training sites, a complainant may choose to first utilize and exhaust the complaint/grievance procedure of the educational organization or training site before filing a complaint under Section IV with the College. Employees or students may elect to file their complaints initially, or if resolved unsatisfactorily, in accordance with section IV.

Confidentiality

The identity of any person who has furnished information relating to, or assisted in, an investigation of a complaint shall be kept confidential to the extent possible, consistent with due process and a fair determination of the issues.

Anti-Retaliation

No individual will be discharged or discriminated against in any manner because the individual filed a complaint or has testified in any proceeding or investigation relating to the College.

Procedure

A. Informal Complaint

Complainants should contact Dr. Shelly Schmit at 641-422-4211 to lodge an informal complaint. A staff person will be assigned to hear the complaint and assist in the resolution of the concern. Lodging an informal complaint is voluntary on the part of the complainant and does not replace or eliminate the right to file a formal complaint.

B. Formal Complaint

1. Written Complaint

If a complainant is dissatisfied with the resolution of an informal complaint or wishes to proceed to filing a formal written complaint, the complainant may obtain a Discrimination Complaint Form from Dr. Shelly Schmit in the Human Resource Office or Dr. Terri Ewers in the Student Development Office. A Discrimination Complaint Form must be completed in order to initiate a formal investigation. The completed Discrimination Complaint Form should be submitted to the Equity Coordinator or a Title IX Coordinator.

Upon receipt of a complaint alleging discrimination, a notice of the complaint will be prepared and sent to the person(s) named in the complaint and to the President of the College containing:

- a) The identity of the complainant (unless a request to remain confidential is being honored):
- b) The dates of the alleged offenses;
- c) A copy of the Discrimination Complaint Form or relevant summary of the allegations.

2. Investigation

The Equity Coordinator or applicable Title IX Coordinator will assign an investigator/complaint officer to investigate the complaint. During the investigation:

- a) The Investigator will interview the complainant and any named person(s). In so doing, each person will be permitted to present their version of events, provide any supporting evidence, and identify witnesses to the investigator.
- b) During interviews, a person may be accompanied by a silent representative/support person. The silent representative or support person will be not be allowed to provide information to the investigator or ask questions of the party during the interview process.
- c) The Investigator will interview all identified witnesses, absent a compelling reason why such an interview cannot take place.

The Investigator will, based on the information gathered in the investigation, determine based on a preponderance of the evidence whether the alleged discrimination occurred in violation of College policy. The Investigator will provide a Resolution Decision to the complainant and any named person(s) which states the Investigator's finding of whether the alleged discrimination occurred, any individual remedies to the complainant, and a description of the appeal process. If the Investigator determines a named person(s) should receive additional sanctions, that person will receive notice of the sanctions.

Resolution Decisions should be provided to the parties within thirty (30) working days of the filing of the complaint, but may be longer for good cause. In no event shall the Resolution Decision be delivered later than ninety (90) working days of the date the complaint was filed.

C. Appeal to President

If the complainant, or a person complained against, is not satisfied with the resolution, an appeal may be made to the President. To file an appeal, a written request must be submitted to the President within ten (10) working days of receipt of the Resolution Decision. The President or President's designee will review the case and the Investigator's file, and render an Appeal Resolution Notice.

Appeal Resolution Notices should be provided to the parties within thirty (30) working days of the filing of the appeal, but may be longer for good cause. In no event shall the Appeal Resolution Notice be delivered later than ninety (90) working days of the date the Appeal was filed.

D. Resolution/Sanctions

Resolutions of discrimination complaints may include a broad range of remedies to eliminate and/or remediate instances of discrimination, and will be decided on a case-by-case basis. Remedies could include reversal of academic or employment decisions, or providing accommodations to the complainant such as counseling, alternative living, working, and transportation arrangements and academic accommodations. Remedies may also include sanctions against individuals who engaged in discrimination, ranging from warnings to expulsion/termination of employment.

Individuals with disabilities will be furnished appropriate auxiliary aids or services necessary to ensure that communications are effective through this procedure. Persons not familiar with English shall be provided with a written or oral translation into the language understood by them. Persons may request additional assistance and shall be advised of each right to the satisfaction of the person's understanding.

Inquiries about the complaint procedure may be directed to Shelly Schmit, Equity Coordinator, North Iowa Area Community College, 500 College Drive, Mason City, Iowa 50401, telephone 641-430-4211, e-mail Shelly.Schmit@niacc.edu

Title IX Review

The President of the College has appointed Dr. Shelly Schmit to serve as the Title IX Coordinator. In her role as Title IX Coordinator, Dr. Schmit oversees the College's centralized review, investigation and resolution process for reports of sexual misconduct. She also coordinates the College's compliance with Title IX. Dr. Shelly Schmit is supported by Dr. Terri Ewers who serves as the Title IX Coordinator for the student population. Each is knowledgeable and trained in state and federal laws that apply to matters of sexual harassment as well as College policy and procedure.

The duties of the Title IX Coordinators include training, education, and climate checks as well as the oversight of procedures that promptly and equitably eliminate sexual harassment, prevent its recurrence and address its effects on individuals and our community. In addition, they will:

- Oversee the investigation and resolution of all reports of sexual misconduct.
- Meet with any individual, whether a Complainant, a Respondent, or a third party, to discuss interim measures, resources, and procedural options on and off campus.
- Ensure prompt and equitable resolutions that comply with all requirements and timeframes specified in the complaint procedures.

The Title IX Coordinator will coordinate the gathering of information from the Complainant, the Respondent, and any other individuals who may have relevant information. In gathering such information, the Coordinator will comply with applicable laws and NIACC policies. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect. Information gathered during the investigation will be used to evaluate the responsibility of the Respondent, provide for the safety of the individual and the College campus community, and impose remedies as necessary to address the effects of the alleged conduct. An investigative report will serve as the foundation for all related resolution processes. Both the Respondent and Complainant will be notified in writing of the outcome of the complaint.

The investigation and resolution of all reports will generally be completed within 60 to 90 days. Extenuating circumstances including the complexity and severity of a complaint may arise that require the complaint process to extend beyond 60 to 90 days. In the event that the investigation and resolution exceed this time frame, the College will notify all parties of the need for additional time and best efforts will be made to complete the process in a timely manner.

Student Conduct Code

The Student Conduct Code and other appropriately published rules of conduct play an important role in NIACC's commitment to provide for the safety and security of all of its community members. Students are expected to conduct themselves in a responsible manner. (<http://www.niacc.edu/student-life/>: Student Handbook)

It is expected that each student will obey federal, state, and local laws; will show respect for properly constituted authority; and will exhibit and maintain integrity and honor in all matters related to the College.

Failure of students to comply with duly established laws or regulations may subject violators to appropriate action by NIACC and/or other civil authorities. Such action might include referral to College disciplinary processes and even the possibility of arrest. NIACC does not attempt to shelter students from federal, state, or local laws.

Reporting Crimes

Students are encouraged to report all criminal incidents and/or suspicious activity to the Mason City Police Department. Any crime on campus or violation of the Student Conduct Code should be reported to the Vice President for Student Services.

NIACC Crime Statistics Campus Security Act

Criminal Offenses On-campus	FY	FY	FY
	<u>15</u>	<u>16</u>	<u>17</u>
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Forcible Sex Offenses	0	0	0
Non-forcible Sex Offenses	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	1	0	0
Larceny-Theft	2	0	2
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Criminal Offenses On-campus Residence Hall	FY	FY	FY
	<u>15</u>	<u>16</u>	<u>17</u>
Murder/Non-negligent Manslaughter	0	0	0
Negligent Manslaughter	0	0	0
Forcible Sex Offenses	0	0	0
Non-forcible Sex Offenses	0	0	0
Robbery	0	0	0
Aggravated Assault	0	0	0
Burglary	0	0	0
Motor Vehicle Theft	0	0	0
Arson	0	0	0
Simple Assault	3	0	0
Larceny-theft	1	1	0
Intimidation	0	0	0
Destruction/damage/vandalism of property	0	0	0
Disciplinary Actions/Judicial Referrals - On-campus	FY	FY	FY
	<u>15</u>	<u>16</u>	<u>17</u>
Liquor Law Violations	23	64	64
Drug Law Violations	1	4	12
Illegal Weapons Possessions	0	0	0

Fires
On-Campus/Residence Hall

FY	FY	FY
<u>15</u>	<u>16</u>	<u>17</u>

Fire ó Summary

0	0	0
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NIACCAAlert

NIACCAAlerts is an emergency notification service to provide phone calls, text messages and e-mail notices to students and staff about campus closings due to weather and other emergency announcements should there be a need to quickly notify the campus community of threats to the safety of students and staff. Text messages may come from 30890 or from 58339.

NIACC will create an account for current students and BVU students to receive email messages and text messages.

Students ó To update or add your cell phone number to receive emergency messages, please log in to the MyNIACC Portal and fill out the NIACCAAlerts Cell Phone Update Form.

For assistance contact the Help Desk: Phone 641-422-4357 or 1-866-614-5020

Missing Student and Emergency Contact Registration

The North Iowa Area Community College will require students residing in the College owned housing that they provide emergency contact information. This confidential information will be used only by authorized College personnel in the event a student is reported missing while at the institution.

If a NIACC student living in on-campus housing is suspected to be missing from campus, students, faculty, and staff are instructed to immediately report this information to the Vice President for Student Services. The Mason City Police Department must be called if any student is reported as missing after 24 hours of the report.

If the reported missing student resides off campus, individuals may contact the Vice President for Student Services for assistance in making notifications to the emergency contact number and to the police department.

All reports of missing students made to the residence hall staff will be investigated and given priority to other tasks. If the investigation determines that the student has been missing over 24 hours then within the next 24 hours the NIACC staff will:

- Notify the individual identified as the student's emergency contact person;
- If under 18 years of age, the College will notify parent or guardian, and;
- If 18 years of age or older and have not provided an emergency contact, NIACC will notify the parent or guardian if the information is available and the appropriate law enforcement agency.

Personal Safety Reminders

- Be alert of your surroundings at all times.
- Walk with a friend, whenever possible.
- Watch your purse, backpack, books, and electronic devices i.e. computers and cell phones. Don't leave them unattended.
- Practice the "buddy system," which includes letting someone know where you are going, when

you plan to return, what routes you will take and how to reach you.

- Stick to well-lighted, well-traveled areas. Avoid short-cuts and dark or isolated spots.
- Avoid jogging or biking alone. If you must go by yourself, stay clear of isolated or poorly-lit areas.
- Keep your keys safe.
- Have keys in hand before you get to your door or car, especially at night.
- Do not hitchhike. Never pick up hitchhikers.
- Keep your door locked.
- Automatic teller machines - avoid taking money out at night, be alert for suspicious persons in the area, keep your PIN separate from your access card, and never give out your PIN.
- Register your bicycle and never leave it unlocked.
- Always lock the doors to your vehicle and pocket your keys.
- Don't leave valuables or personal identification in view in your parked car.
- Never leave your car running unattended, even for a minute.
- Park in well-lit, busy areas as close to your destination as possible. Check the interior of your car before getting in.
- If you're followed by someone on foot, cross the street, change direction, vary your pace, go toward people, stay in the light, and call the police.
- If you're followed by someone in a car, change direction, go up a one-way street, record license number, and call the police.
- If you feel you are in danger or if approached suddenly, yell "Fire!" or "Help, Police!" and scream, scream, scream. Many people have avoided or escaped harm by screaming.
- If you're held up, give the person your wallet or purse quickly and quietly. Scream and run away if possible. Don't take chances, a robber may be armed.
- If you witness or are a victim of a violation of the law, try to get a description that includes the person's approximate age, height, weight, hair, voice, clothing, distinguishing characteristics, jewelry, scars, etc.
- If the violator has a vehicle, get a description of its make, year, color, markings, license number, etc.
- Know the locations of telephones.
- Remember, every emergency situation is different. Only you can decide which course of action is appropriate.

It is the policy of North Iowa Area Community College to not discriminate on the basis of race, color, national origin, sex (including pregnancy), disability, age, sexual orientation, gender identity, genetic information, creed, religion, actual or potential parental, family and marital status or veteran's status in its programs, activities or employment practices as required by the Iowa Code sections 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 ó 1688), Section 504 (Rehabilitation Act of 1973, 29 U.S.C. § 794), and the Americans with Disabilities Act (42 U.S.C. § 12101, et seq.).

Individuals having questions or complaints related to compliance with this policy should contact Dr. Terri Ewers, EEO/AA Officer, 500 College Drive, Mason City, IA 50401 or via telephone at 641-422-4106. Inquiries may also be directed 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 312/730-1560, fax 312/730-1576.