

Policy Title:	Title IX, Anti-Harassment, Sexual Harassment
Policy Category:	Mission and Governance
Policy Effective Date:	09/07/2021
COCA Standard:	COCA Section Element

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### **PURPOSE / SCOPE:**

The U.S. Department of Education’s Office for Civil Rights (OCR) enforces Title IX of the Education Amendments of 1972. The purpose of Title IX is to protect people from discrimination based on sex in education programs or activities that receive federal financial assistance. It states:

*“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.”*

The scope of this Title IX policy provides protection to students and employees against sexual harassment, bullying, pregnancy discrimination, gender-based stereotyping, gender-based harassment and sexual assault/violence. Key issue areas in which ICOM has Title IX obligations include: recruitment; admissions; counseling; financial assistance; employment; sex-based harassment (which encompasses sexual assault/violence, treatment of pregnant and parenting students, and treatment of LGBTQI+ students).

### **DEFINITIONS:**

Sex discrimination

*Treating someone unfavorably because of that person's sex, including the person's sexual orientation, gender identity, or pregnancy. Discrimination against any individual because of gender identity, including transgender status, or because of sexual orientation is discrimination because of sex in violation of Title VII and Title IX.*

### **POLICY:**

#### **Anti-Harassment**

ICOM prohibits harassment, including sexual harassment, of any kind, and will take appropriate and immediate action in response to complaints or knowledge of violations of this policy. For purposes of this policy, harassment is any verbal or physical conduct designed to threaten, intimidate, or coerce students, employees, or anyone working for or on behalf of ICOM. Verbal taunting (including racial and ethnic slurs) that one’s opinion, impairs job performance ability is included in the definition of harassment.

The following examples of harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal harassment includes comments, epithets, slurs and stereotyping that are offensive or unwelcome regarding nationality, origin, race, color, religion, sex, gender, gender identity, sexual orientation, age, body, disability, or appearance, marital or other protected status.
- Nonverbal harassment includes distribution, display, or discussion of any written or graphic material that ridicules, denigrates, insults, belittles or shows hostility, aversion, or disrespect toward an individual or group regarding nationality, origin, race, color, religion, sex, gender, gender identity, sexual orientation, age, body, disability, or appearance, marital or other protected status.

## **TITLE IX and Sexual Harassment**

Sexual harassment is a form of unlawful discrimination under Title VII of the Civil Rights Act of 1964 and Title IX of the Educational Amendments of 1972; it is prohibited under ICOM's anti-harassment policy. Sexual harassment is unwelcome and/or unsolicited conduct of a sexual nature. It includes unwelcome sexual advances, requests for sexual favors (*quid pro quo*), and other verbal, nonverbal, or physical conduct of a sexual nature. Additionally, for employees, the Equal Employment Opportunity Commission (EEOC) definition applies to any basis of employment decisions or such conduct that has the purpose or effect of creating an intimidating, hostile or offensive working environment.

Title IX requires academic institutions to take steps to prevent and remedy two forms of sex-based harassment: gender-based harassment and sexual harassment (including sexual violence).

- Gender-based harassment is unwelcome conduct based on a person's sex, gender, or genderidentity, with harassing conduct based on a person's failure to conform to the offender's sex stereotypes.
- Sex-based harassment can be committed by school employees, other students, and third parties.
- "Quid pro quo" harassment, where submission to harassment is used as the basis for academic or employment decisions. For employees, benefits such as raises, promotions and better working hours are directly linked to compliance with sexual advances; therefore, only someone in a supervisory capacity (with the authority to grant such benefits) can engage in quid pro quo harassment. Other examples: 1) a supervisor promising an employee a raise in exchange for a date; 2) a professor implies that if a student engages in sexual activity, the professor will give the student a better grade.
- "Hostile environment," where the harassment creates an offensive and unpleasant working or learning environment. A hostile environment can be created by anyone in the institution's work or academic environment, whether it be supervisors, other employees, peers, students, or customers. Hostile environment harassment consists of verbiage of a sexual nature, unwelcome sexual materials, or even unwelcome physical contact as a regular part of the institutional environment. Texts, e-mails, cartoons, or posters of a sexual nature; vulgar or lewd comments or jokes; or unwanted touching or fondling all fall into this category.

Sexual harassment may take different forms. The following examples of sexual harassment are intended to be guidelines and are not exclusive when determining whether there has been a violation of this policy:

- Verbal sexual harassment includes innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks, and threats; requests for any type of sexual favor

(this includes repeated, unwelcome requests for dates); and verbal abuse or “kidding” that is oriented toward a prohibitive form of harassment, including that which is sexual in nature and unwelcome.

- Nonverbal sexual harassment includes the distribution, display or discussion of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds; leering; staring; whistling; obscene gestures; content in letters and notes, facsimiles, e-mail, photos, text messages, tweets and internet postings; or other form of communication that is sexual in nature and offensive.
- Physical sexual harassment and violence includes unwelcome, unwanted physical contact, including touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, and fondling and forced sexual intercourse or assault. Sexual violence refers to physical sexual acts perpetrated *against a person’s will or where a person is incapable of giving consent*. A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion.

Courteous, mutually respectful, pleasant, non-coercive interactions between individuals that are appropriate within the institution and acceptable to and welcomed by all present are not considered to be harassment, including sexual harassment.

### **Retaliation**

No hardship, loss, benefit, or penalty may be imposed on an employee or student in response to:

- Filing or responding to a bona fide complaint of discrimination or harassment.
- Appearing as a witness in the investigation of a complaint.
- Serving as an investigator of a complaint.

Retaliation or attempted retaliation in response to lodging a complaint or invoking the complaint process is a violation of this policy. Any person who is found to have violated this aspect of the policy will be subject to sanctions up to and including termination of employment or enrollment.

### **Complaint Process**

ICOM will courteously treat any person who invokes this complaint procedure and will handle all complaints swiftly and confidentially to the extent possible in light of the need to take appropriate corrective action. Lodging a complaint will in no way be used against the employee or student or have an adverse impact on the individual’s employment or academic status. Because of the damaging nature of harassment to the victims and to the entire workforce, aggrieved employees and students are strongly urged to use this procedure. However, filing groundless or malicious complaints is an abuse of this policy and will be treated as a violation. Any complainant who feels they have been harassed, discriminated, or retaliated against for filing a complaint may initiate the complaint process by filing a complaint in writing with ICOM’s HR Department, Title IX Coordinator, or designee.

### **The Title IX Team**

The Title IX Team assists the ICOM Title IX Coordinator with respect to the College’s Title IX compliance efforts and provides the College with advice on promoting a campus culture of respect and responsibility and in identifying and deploying effective measures, including training and educational programming and complaint and disciplinary processes, to prevent and address sex- and gender-based discrimination and sexual misconduct. Members may be called upon by the Title IX Coordinator to participate in investigations of Title IX infringement.

**Confidentiality**

During the complaint process, the confidentiality of the information received, the privacy of the individuals involved, and the wishes of the complaining person will be protected to as great a degree as is legally possible. The expressed wishes of the complaining person for confidentiality will be considered in the context of ICOM’s legal obligation to act on the charge and the right of the charged party to obtain information. In most cases, however, confidentiality will be strictly maintained by the ICOM and those involved in the investigation. In addition, any notes or documents written by or received by the person(s) conducting the investigation will be kept confidential to the extent possible and according to any existing state or federal law

**POLICY OWNER:**

Associate Dean of Educational Development, Innovation, and Diversity

**CROSS REFERENCE AND SUPPORTING DOCUMENTS:** *(Provide links to other policies or materials identified in the policy.)*

<b>CROSS REFERENCE (ICOM, COCA or Other Policies)</b>	<b>LOCATION</b>
Code of Conduct	
Consensual Relationships	
Non-Discrimination	
Due Process for all Employees, Students, Faculty and Credentialed Instructional Staff	
Sensitive Information Protection and Confidentiality of Employee, Student, and Medical Records	
Student-Faculty Relationships	
Workplace Violence	

<b>SUPPORTING DOCUMENTS</b>	<b>LOCATION</b>
Academic Bulletin	
Student Handbook	

----- SIGNATURE PAGE FOLLOWS -----

**SIGNATURE APPROVAL:**

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**Primary Policy Owner, please select the appropriate box below.**

**No Change** (return to prt@idahocom.org) 05/30/2023

**Editorial Revisions only** (return to prt@idahocom.org)

**New Policy** – suggested review schedule:  Annual  Biennial

Date sent to Academic Leadership Council or President’s Council for review Approved by President’s Council 8/8/2022.

07/05/2023 Updated Title IX Officer name.

**Content Revisions**

Date sent to Academic Leadership Council or President’s Council for review: \_\_\_\_\_

Briefly describe revisions:

Approved



\_\_\_\_\_  
Title IX Officer

07/05/2023

\_\_\_\_\_  
Date



\_\_\_\_\_  
Dean / CAO

07/05/2023

\_\_\_\_\_  
Date



\_\_\_\_\_  
President/CEO

07/05/2023

\_\_\_\_\_  
Date