



TITLE IX

Reporting, Investigating, and Grievance Hearing Procedures



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TITLE IX IS THE LAW

Title IX is a federal law that prohibits discrimination based on the sex (gender) of employees and students of educational institutions that receive federal financial assistance. Title IX's prohibition of sex discrimination includes prohibition of sexual harassment and sexual violence. Sexual harassment is unwelcome conduct of a sexual nature and can include unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature, including rape and sexual assault.

ICOM subscribes to the principles and adheres to the requirements of state and federal law pertaining to civil rights and equal opportunity, in accordance with the requirements of Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972 as amended; Section 504 of the Rehabilitation Act of 1973, as amended; the Age Discrimination Act of 1975, as amended, and the Americans with Disabilities Act of 1990, as amended.

ICOM does not tolerate sex discrimination, sexual harassment, or sexual violence of any kind. To ensure compliance with Title IX and other federal and state civil rights laws, the College has designated Dr. Thomas Moorman as the College's Title IX Coordinator. Dr. Moorman and the Title IX Response Team are charged with monitoring compliance with Title IX and ensuring that reports of potential sex discrimination, sexual harassment and sexual violence are investigated and addressed by the College in accordance with the law.

Any student, faculty, or staff member with questions or concerns about the applicable College policies or who believes that he or she has been the victim of sex discrimination, sexual harassment, or sexual violence is encouraged to contact the College's Title IX Coordinator or a member of the Response Team.

The College will not pursue disciplinary action against Complainants or witnesses for disclosure of illegal personal consumption of drugs or alcohol where such disclosures are made in connection with a good faith report or investigation of Prohibited Conduct.

If you wish to file a Request for Investigation, please use this link:

<https://www.icom.edu/campus/safety/title-ix/>

EXAMPLES OF PROHIBITED SEXUAL CONDUCT AND DISCRIMINATION

All of the definitions stated below and the use of terms in the ICOM Policy are intended to be consistent with how such terms are defined and interpreted in and under applicable state and federal laws and regulations, as amended from time to time.

- **Sexual Discrimination:** includes but is not limited to circumstances when an employee or student suffers an adverse employment or academic consequence (such as denial or loss of employment or academic opportunities or status, reductions in pay or grades) on the basis of sex or sexual orientation, and also includes circumstances where an employee or student is subjected to sexual harassment or sexual violence.
- **Sexual Violence:** constitutes a form of prohibited sexual discrimination and is defined as physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent (e.g., due to the person's age or use of drugs or alcohol, or because an intellectual or other disability prevents persons from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, and sexual coercion, all of which are forms of sexual discrimination prohibited by this policy.
- **Sexual Harassment:** constitutes a form of prohibited sexual discrimination and is defined as unwelcome conduct (verbal or physical) that unreasonably interferes with an employee's or student's work or academic performance and creates an intimidating or hostile work or educational environment on the basis of an employee's or student's sex or sexual orientation, and/or which is directed at, or made because of, and individual's sex or sexual orientation. Sexual harassment includes, but is not limited to:
 - **Quid Pro Quo Sexual Harassment:** Requests or demands for sexual favors. This includes subtle or blatant pressures or requests for any type of sexual favor, accompanied by an implied or stated promise of preferential treatment or negative consequence concerning one's employment or academic program status. This includes situations wherein:
 - Submission to such conduct is made to appear to be a term or condition of employment, enrollment, attendance, or participation in class;
 - Submission to or rejection of such conduct affects employment or academic decisions;
 - Making sexual propositions or pressuring students or employees for sexual favors, and
 - Punishing a refusal to comply with or to condition of benefit on a sexually based request or advance.
 - **Hostile Work Environment:** Verbal, physical or other behavior of a sexual nature that is reasonably considered unacceptable by an employee or student. This includes, but is not limited to, commenting about an individual's body or appearance when such comments go beyond mere courtesy, telling jokes that are reasonably considered offensive by others, or other tasteless sexually oriented comments, innuendoes, or actions that reasonably offend others.

Examples include, but are not limited to, sexual remarks, jokes, or gestures communicated verbally, in writing, or through electronic means such as:

- Writings, pictures, or drawings of a sexual nature (or the displaying or distributing of same);
- Websites, social media or e-mails depicting writings, pictures or drawings of a sexual nature;
- Telling of sexual or dirty jokes;
- Sexual comments about human anatomy that are reasonably considered suggestive, offensive, or reasonably inappropriate;
- Spreading sexual rumors or rating other people as to sexual activity or performance;
- Simplistic generalizations about gender attributes, differences, and roles of individuals or groups; and
- Sexual exploitation.

Also, engaging in any type of sexually oriented and unwelcome conduct that would unreasonably interfere with another's work or academic program status performance. This includes, but is not limited to:

- Extending unwanted sexual attention to someone that reduces personal productivity or time available to work on assigned tasks;
- Non-consensual sexual contact or intercourse (or attempts to commit same);
- Repeatedly subjecting a person to egregious, unwelcome sexual attention; and
- Stalking.

Third-Party Sexual Harassment: includes persons who are not the target of sexual harassment but who work in environments where sexual harassment is allegedly occurring can file "third party" and "bystander" harassment claims. Third parties who were not directly the target of sexual harassment may be able to bring a claim against the Respondent if the third party has suffered certain repercussions due to the Respondent's inappropriate actions.

SEXUAL EXPLOITATION: occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person's consent. Examples of behavior that could rise to the level of sexual exploitation include but are not limited to:

- Prostituting another person;
- Recording images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness without that person's consent;
- Distributing images (e.g., video, photograph) or audio of another person's sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not *consent* to such disclosure and objects to such disclosure; and

- Viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent, and for the purpose of arousing or gratifying sexual desire.

Consent: must be informed, voluntary, and mutual, and can be withdrawn at any time. There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats, or duress is used. Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent. Silence or absence of resistance does not imply consent. Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment in incapacitation to due to alcohol or drug consumption that meets this standard or being asleep or unconscious.

Non-Consensual Intentional Sexual Contact: is any intentional sexual touching with any object, by any person upon another, without consent and/or by force.

Non-Consensual Sexual Intercourse: is any sexual intercourse, however slight, by any person upon another without consent and/or by force.

Sexual Assault: is any form of sexual contact without the consent of all parties involved. Sexual contact is the intentional touching, whether with one’s own body part, or an instrument or object, of another person, no matter how slight, in or on, an area of the body generally recognized as being a private part of the body; or the intentional touching of another person, no matter how slight, with one’s own private body part anywhere on the other person’s body. The amount, or lack thereof, of clothing being worn by either, is of no consequence, in determining whether a “sexual physical contact” has occurred, and the body part touched, or used to touch with, may be covered or clothed.

Types of sexual assault may include, but are not limited to:

- Rape or attempted rape
- Non-consensual, intentional contact with intimate body parts
- Non-consensual oral sex
- Lewd exposure of one’s sexual organs, either in person, in print, or electronically, to another without his or her consent
- Any sexual contact between two individuals that, because of the age of the parties, is prohibited under State Law.

Rape: is penetration, without consent, of the vulva or anus of another using a body member or a manipulated object, or penetration of the mouth of another by the penis to gratify sexual desire, or to cause bodily injury, humiliate, harass, or degrade another; “without consent” means:

- Done by the use of violence or force against the victim
- When the victim lacks the capacity for legal consent, and/or

- When the victim is incapacitated or physically helpless.

Dating Violence: is the use of physical, sexual, or emotional abuse or threats to control another person who is, or has been involved in, a sexual, dating, or other intimate relationship with the victim. Whether there was such a relationship will be gauged by its length, type, and frequency of the interaction.

Domestic Violence: is the same as domestic violence committed by the victim's current or former spouse, current or former husband, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.

Stalking: means engaging in two or more acts, including, but not limited to directly, indirectly, or through third parties, by any action, method, device, or means, following, monitoring, observing, surveilling, threatening, or communicating to or about a person, or interfering with that person's property, that would cause a reasonable person to:

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress, meaning significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Unwelcome Conduct: means the student or employee did not request or invite the conduct and considers the conduct to be undesirable or offensive. Unwelcome conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the internet), or other conduct which may be physically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex. Participation in the conduct or the failure to complain does not always mean that the conduct was welcome. The fact that a person may have welcomed some conduct, does not necessarily mean that a person welcomed other conduct. Also, the fact that a person requested or invited conduct on one occasion does not mean that the conduct is welcome on a subsequent occasion.

Intimidation: is unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

Sexual Orientation: means a person's orientation toward heterosexuality, homosexuality, bisexuality, transgender status, or another person's perception thereof.

Transgender: means having a gender identity or gender expression that differs from the societal expectations based on gender assigned at birth.

Gender Identity: means an innate sense of one's own gender.

Gender Expression: means external appearance, characteristics, or behaviors typically associated with a specific gender.

SEXUAL MISCONDUCT REPORTING AND INVESTIGATING PROCEDURES

When a person learns of an incident of sexual harassment, including instances of sexual assault, relationship violence, and stalking, it should be reported to the Title IX Coordinator. Once the Title IX Coordinator receives information about the incident, they will begin to review and will determine how to best respond to the reported incident.

1) Report of Incident

Once the Title IX Coordinator receives a report that could constitute sexual harassment, sexual assault, relationship violence, or stalking, the office immediately begins exploring the issue to determine next steps. This often involves talking to the reporter and reaching out to the victim. <https://www.icom.edu/campus/safety/title-ix/>

2) Provide Supportive Measures and Review Process

The Title IX Coordinator or their designee reaches out to the victim (the “Complainant”) with information about supportive measures available through the institution and the community. Supportive measures can be things like housing relocations, safety planning, mutual no contact orders, academic accommodations, etc. The Title IX Coordinator will also review the investigative process with the Complainant, including how to file a Formal Complaint.

3) Preliminary Review

The Title IX Coordinator or their designee will review the information gathered about the incident with Campus Security and other campus constituents to assess whether it has a duty to warn the campus community (e.g., a Timely Warning) and/or take other actions, as necessary, to protect those involved.

4) Formal Complaint Filed

Once the Title IX Coordinator or their designee have received a Formal Complaint, they will conduct an initial review to see whether the Complaint states sufficient facts to demonstrate that a violation of ICOM Policy has occurred. If the complaint states facts that, if proven, would be a violation of ICOM Policy, an investigation will move forward. If not, the complaint will be dismissed.

5) Notice of Investigation

Once a Formal Complaint moves forward to an investigation, The Title IX Coordinator or their designee will provide notice to the person against whom the complaint was filed (known as the “Respondent”). The notice will state a summary of the allegations including the date, location, and description of conduct alleged to violate ICOM Policy. It will also include the name of the Complainant. At any point going forward, prior to a final decision being made, the Complainant and Respondent may agree to enter an informal mediation process to resolve the complaint.

6) Investigation: Interviews and Gathering Evidence

Prior to the onset of the investigation, both the Complainant and Respondent will select or be assigned an advisor that will guide them through this process. Title IX Investigators will interview the Complainant, Respondent, and witnesses separately. They will also gather any documents or other evidence (such as text messages, screen shots, etc.) The respective Advisor may be present during any meeting the Complainant or Respondent has with the Title IX Investigators.

7) Draft Report

Once the investigation is complete, the Title IX Investigators will draft a report that is shared with the parties involved as well as the evidence collected during the investigation. The parties have ten (10) university business days to submit a response and/or additional information.

8) Final Report

The Title IX Investigators will incorporate relevant responses and any additional information provided by the parties and will then finalize the report. The final report will be shared with the Title IX Coordinator, the involved parties, the advisors, and the Title IX Decision Maker. The parties, once receiving the final report, will have at least ten (10) university business days to prepare for the hearing conducted by the Title IX Decision Maker.

9) Hearing

A hearing will be convened with notice given to both parties of the time, date, and location of the hearing. Most hearings will be held in person. Each party must have an advisor present to conduct cross-examination on their behalf. If a party does not have an advisor, the University will appoint one. Each party may provide opening statements, call witnesses, and provide documents or evidence that were collected during the course of the investigation. After the hearing concludes, the decision-maker will issue a report with the findings and if applicable, sanctions. The report will be provided to parties simultaneously.

Summary

The purpose of these reporting, investigation and hearing procedures is to provide prompt and equitable processes for addressing and investigating incidents of sexual misconduct allegedly committed against students and employees. A lengthy period of time between an alleged occurrence and an investigation may make fact-finding more difficult; therefore, individuals are encouraged to raise concerns and complaints as soon as possible.

Amnesty For Alcohol and/or Other Drugs

Sometimes, a student or employee may be hesitant to come forward and file a sexual misconduct investigation request out of concern that the student or employee was using or was under the influence of alcohol or illegal drugs at the time of the alleged incident. However, the

College’s primary interest in such situations is in addressing alleged sexual violence. Illegal alcohol or drug use never renders a Complainant at fault for sexual violence against him or her. The College will not pursue disciplinary action against Complainants or witnesses for disclosure of illegal personal consumption of drugs or alcohol where such disclosures are made in connection with a good faith report or investigation of Prohibited Conduct.

Prohibition of Retaliation

The College prohibits retaliation against any employee or student who, in good faith; reports, rejects, protests, or complains about sexual misconduct. Retaliation is a violation of College policy. The College will not tolerate discrimination, recrimination, or reprisal against any employee or student who reports or participates under this policy in good faith in a related investigation or hearing.

Complaints of retaliation should be reported to a member of the Title IX Coordinator’s Response Team. Any individuals, including Reporting Parties and alleged Responding Parties, who are determined to have made knowingly false statements during the course of the sexual misconduct investigation, may be subject to discipline, which may include termination or dismissal.

TITLE IX STAFF

Title IX Response Team Members			
Name	Phone	Email	Office #
Thomas Moorman Title IX Coordinator 1401 E. Central Drive, Office #313 Meridian, ID 83642	208-795-4347	tmoorman@icom.edu	138
Luke Mortensen Title IX Deputy Coordinator	208-795-4367	lmortensen@icom.edu	320
Shannon Blackstock Director of Human Resources	208-795-4378	sblackstock@icom.edu	351
Carlene Wallace Title IX Decision Maker	208-795-4289	cwallace@icom.edu	133
Rich Coonrod Title IX Investigator	208-795-4289	fcoonrod@icom.edu	142
Jennifer Ross Title IX Investigator	208-795-4299	jross@icom.edu	132

RECORD KEEPING AND OTHER MATTERS

Record Keeping – Title IX requires that documents related to investigations conducted to meet the requirements outlined herein be retained for seven (7) years after the matters considered are closed. ICOM keeps those records under lock and key.

Effect of Other Legislation – Certain matters that come to the attention of the Title IX Response Team may be required to be shared with ICOM’s Clery Act Team. While confidential and personally identifiable information will be withheld to the extent allowed, the Clery Act requires that certain events and other matters must be included in the Annual Clery Report which must be filed with the Government and made available to the general public and certain other interested parties. Further information regarding these requirements and how they impact Title IX related activities and outcomes may be found in ICOM’s Policies and Procedures related to the Clery Act.

TRAINING

The College provides regular training, including bystander intervention programs, to educate all students and employees about the College’s sexual misconduct and Title IX policies.

All employees and students are required to complete an on-line Title IX Training Module each year. Additionally, the Title IX Response Team will make presentations twice each year which may delivered to students and faculty.

Additionally, the College provides regular and thorough training to the Title IX Coordinator and his Response Team, Campus Security Officers, and anyone else who is involved in responding to, or investigating, sexual misconduct.

RESOURCES FOR STUDENT AND EMPLOYEE VICTIMS OF SEXUAL ASSAULT

For those who are victims of sexual assault, it is important to get immediate medical attention, even if there are no obvious physical injuries. Go to the emergency room of the nearest hospital. A physical examination will help to assure that any injuries will be identified and treated and that victims receive important information about the risks of sexually transmitted disease. An examination does not obligate a victim to any kind of investigation; however, it allows evidence to be obtained and preserved in the event a criminal investigation is authorized at a later time. Victims should not bathe, shower, or change clothes before the examination. Individuals are also encouraged to seek counseling services. Support by a trained counselor can help the individual understand and work through the trauma of the incident. Counselors can also help others who are close to the individual.

ICOM Campus Resources

For a list of confidential counseling, advocacy and support following an incidence of sexual assault, students or employees are encourage to contact ICOM’s Behavioral Health Specialists:

- **Shatae Mullins**, LPC at smulline@icom.edu
- **Jake Price**, LPC at jprice@icom.edu

Counseling services are available 24 hours a day, seven days a week in a confidential manner through a combination of services which include the on-site counseling services of the ICOM Behavioral Health Specialist, noted above.

For medical emergencies and after-hours health care, students are encouraged to access appropriate care as warranted by their situation including: local urgent care facilities, Emergency Departments and Emergency Medical Services. For true emergencies, students are asked to access EMS and the 911- dispatch system.

Other available resources are listed in section 5.3 of the current ICOM Student Handbook.

Community Resources

ICOM students and employees who are victims of sexual misconduct and assault, may also seek guidance and assistance from the following Meridian area resources and organizations. (Please Note: these organizations are not affiliated with ICOM).

- StudentLinc – to access the StudentLinc web portal use the access code “icom”, (all lowercase letters), <https://www.mystudentlinc.com/>.
- Idaho State University Counseling Services, 208-373-1921; <https://www.isu.edu/ctc/>.
- Unity Health in Meridian is available to ICOM students for medical and confidential health concerns. Unity Health Center is open from 9:00 AM – 6:00 PM, Monday through Saturday, and they accept same-day appointments and walk-ins during their business hours. Students can call the clinic at 208-895-6729 to schedule an appointment. This information is also available on the ICOM website. Students are responsible for all fees incurred through the utilization of these services. Unity Health Center has multiple payment options available.
- Students are also able to utilize St. Luke’s Medical Center in Meridian for medical and confidential personal health concerns. This St. Luke’s network includes primary care and specialists in multiple disciplines of medicine. ICOM students are able to find a clinic or provider using the following link: <https://www.stlukesonline.org/> or by calling 208-381-2329 (2DAY).

SEXUAL MISCONDUCT OR ASSAULT COMPLAINTS TO OUTSIDE AGENCIES

In addition to the College’s complaint procedures, a Complainant or alleged Complainant has the right to file a complaint of sexual misconduct or assault with local law enforcement agencies. As referenced elsewhere in this Policy, the involvement of outside law enforcement agencies, may necessitate some accommodation in the timing and manner of the College’s Title IX investigation so as not to impede such external proceedings. However, the College will ensure that it takes appropriate interim measures to protect the Complainant in the educational setting as well as to follow through with its own Title IX mandated processes once it learns that the local law enforcement agencies have indicated that their proceedings will not be compromised by the College’s Title IX processes. Local law enforcement agencies to which complaints may be directed include:



Name	Address	Phone	Email
Meridian Police Department	1401 East Watertower Street Meridian, ID 83642	208-888-6678	https://meridiancity.org/police/
Idaho State Police	700 South Stafford Drive Meridian, ID 83642	208-884-7000	https://isp.idaho.gov
Nampa Police Department	820 2 nd Street South Nampa, ID 83651	208-465-2257	https://nampapolice.org/588/Police

Employee and Student Reporting Parties may file complaints with the following organizations and agencies:

EMPLOYEES

Name	Address	Phone	Email
State of Idaho: Office of the Attorney General	700 West Jefferson Street P.O. Box 83720 Boise, ID 83720	208-334-2400	www.ag.idaho.gov .
Idaho Human Rights Commission	317 West Main Street Boise, ID 83702	208-334-2873	https://humanrights.idaho.gov/
US Equal Employment Opportunity Commission	900 1 st Avenue, Ste. 400 Seattle, WA 98104	800-669-4000	https://eeoc.gov

STUDENTS

Name	Address	Phone	Email
Office of Civil Rights: US Department of Education	400 Maryland Avenue SW Washington, DC 20202	800-872- 5327	www.2.ed.gov
American Osteopathic Association/Commissi on on Osteopathic College Accreditation (AOA/COCA)	142 East Ontario Street Chicago, IL 60611	800-621- 1773	www.osteopathic.org
Higher Learning Commission	230 South LaSalle Street, Suite 7-500 Chicago, IL 60604	800-621- 7440	www.hlcommission.org