

# Title IX @ ICOM

Protecting our Community Against Sexual Harassment,  
Sexual Discrimination, & Acts of Sexual Violence



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## **About Title IX**

### **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). Several 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;
  - 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 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.

### **What conduct is prohibited under the 2020 Regulations?**

ICOM is operating under the 2020 Federal Guidelines for Title IX. The 2020 federal regulations narrowed the definition of sexual harassment to include only unwelcome conduct that is so severe, pervasive and objectionably offensive that it effectively denies a person equal access to the college. Beyond sexual harassment, prohibited conduct also includes sexual assault, dating violence, domestic violence, and stalking. In addition to meeting one or more of these definitions, for the federal regulations to apply the conduct must have happened in the US, in conjunction with an ICOM program or activity, or in a building owned or controlled by ICOM or a recognized student organization of ICOM. Finally, the complainant must be a current student, employee, applicant, or otherwise participating in an ICOM specific program or activity.

### **If sexual misconduct happens off campus, will ICOM still investigate?**

The 2020 federal regulations apply to locations, events, or circumstances over which ICOM exercises substantial control over both the respondent and the place where the

conduct occurred. The 2020 federal regulations also apply to any building owned or controlled by a recognized student organization. If the criteria for jurisdiction under the 2020 Title IX regulations is not met, ICOM may still investigate if the conduct would violate other ICOM Policies.

**If what happened to me isn't covered by the 2020 Federal Regulations, will ICOM still investigate?**

ICOM will continue to address all complaints of sexual misconduct and will assess formal complaints to determine if any ICOM policy and/or federal regulation may have been violated. If you make a formal complaint, the investigator will assess which policies may or may not apply and if an investigation is warranted.

**Where to Start**

If you have experienced—or think you may have experienced—sexual assault, stalking, relationship or intimate partner violence, sex- or gender-based harassment, and/or another form of sexual misconduct, resources, support measures and reporting options are available to you. Choosing one option does not preclude others; you can pursue any of them at any time. You can also contact the Title IX coordinator at any time, for any reason.

**Know Your Title IX Supportive Guide and Resources**

All employees (faculty, staff, student employees and administrators) are designated as “responsible employees” required to report and must report actual or suspected Title IX violations immediately, subject to limited exceptions for employees who are statutorily barred from reporting (counselors etc.). All details of the reports they receive must be shared promptly to the Title IX Coordinator. If the complaint is against that Title IX Coordinator, the impacted party should report the matter to the President’s office for referral to an alternate designee.

**Speaking with a counselor is the best way to ensure your confidentiality.**

Counselors can help you consider options and provide support. Please ensure you are speaking to a confidential counselor before you disclose any information.

Mental Health Counselors are licensed to provide confidential counseling services and are subject to confidentiality requirements imposed by their professional license as well as, local and state laws.

**For Students in Crisis:**

If you are experiencing a mental health emergency or need immediate assistance, please call 911, the Pathways Community Crisis Center of Southwestern Idaho at 833527-4747 and/or the National Suicide Hotline at 988.

**Counseling and Crisis Support Resources**

Counseling may assist with recovery from a traumatic experience. ICOM offers counseling for students on its Main Campus in Meridian and referrals to short-term counseling services off campus through MyGroup at 800-633-3353 (24hrs per day/365 days per year). However, please ensure you are speaking to a confidential counselor before you disclose any information.

If you have experienced sexual assault, relationship and intimate partner violence, stalking, sex- and gender-based harassment, and/or other sexual misconduct, therapy may include:

- Providing information about trauma and its effects
- Providing information on mindfulness techniques
- Providing tools to support healthy sleep, diet, or exercise habits
- Helping you identify and deal with negative feelings about the traumatic event, such as feelings of guilt or shame
- Helping you identify and deal with negative thoughts about the traumatic event, such as self-blame
- Assisting you in reducing anxiety when exposed to people or places that are reminders of the trauma Counselors can:
- Help you understand your rights
- Support you in creating a plan for your situation
- Connect you with supportive measures, including academic or employment support
- Assist in implementing a mutual no contact directive
- Inform you of ICOM's formal complaint and police reporting options
- Support you through the formal complaint or official reporting process
- Assist you in obtaining a civil protection order (sometimes referred to as a restraining order)
- Review your housing options
- Refer you to on- and off-campus resources, including attorneys or additional mental health professionals

In general, state law protects the confidentiality of counseling relationships and records. Again, please check you are speaking to a confidential counselor before disclosing any information. For more specific information about confidentiality, consult with counseling services staff or your counselor, who can answer any questions you have.

- Counselors have limitations on confidentiality when they learn of:
  - Abuse and neglect of a child under the age of 18
  - Elder abuse or the abuse of a disabled adult
  - A plan for self-harm or harm to others

### **Additional Counseling Resources**



### ***ISU Counseling Services***

The Idaho State University's Counseling Clinic is a low-cost counseling service available to ICOM students. Many college students experience stressors associated with different aspects of their lives (i.e., academics, familial, relational, etc.). The counseling clinic is available to help provide additional support as student's navigate these challenges.

The ISU-Meridian Counseling Clinic provides individual, couple, and family counseling. The counseling services are provided by our graduate level Master of Counseling students, Doctoral students, and some faculty from the Department of Counseling under supervision of licensed counselors/faculty members.

Students needing to set up an appointment to see a counselor, should:

- Call the ISU-Meridian's Counseling Clinic phone number (208) 373-1719 or confidentially email [meridianclinic@isu.edu](mailto:meridianclinic@isu.edu)
- Leave a voicemail or email providing your name, call back number, reason for calling or emailing (i.e., wanting to set up counseling services) and a good time during the day to reach you.
- Upon receiving the voicemail, a clinic staff member will be in contact with you within one business day of open clinic hours (Monday – Thursday).
- During the phone call, the clinic staff member will provide you with the information of attending the counseling clinic and expectations of your appointment as well as get basic information about what brought you into counseling services.
- Your first appointment is then scheduled with your counselor!

The ISU Counseling Clinic is there to support students in all that life encompasses. Students can access additional information by visiting the ISU-Meridian Counseling Clinic webpage: <https://isu.edu/clinics/counseling-meridian/>

Student can also access information using the ISU-Meridian Counseling Clinic Facebook Page: <https://www.facebook.com/ISUMeridianCounselingClinic/>

Additional behavioral services can be found through the following:

- [Idaho Suicide Prevention Hotline](#) -Idaho Suicide Prevention Hotline is the statewide 24/7 behavioral health crisis line in Idaho. Trained crisis responders will offer emotional support, and crisis intervention to those in need. Call **1-208-3984357**.
- [Suicide and Crisis Lifeline](#)- The Lifeline provides nationwide, 24/7, free and confidential support for people in distress, as well as prevention and crisis resources for callers or their loved ones. Available nationwide by dialing **988**.

- [Veterans Crisis Line](#)- The Veteran Crisis Line connects Veterans in crisis and their families and friends with qualified responders through a confidential hotline. The crisis hotline is available 24 hours a day, 7 days a week. Send Text to **741741** or Call: **1-800-273-8255**
- Physicians Support Line - Psychiatrist help US physician and medical student colleagues navigate the intersections of their personal and professional lives. Call: 1-888-409-0141

National:

(RAINN) - <https://rainn.org/get-help>

Telephone Hotline - When you call 800-656-HOPE (4673), you'll be routed to a local sexual assault service provider in your area. Trained staff can provide confidential support and connect you to resources in your area.

On-Line Resource - Chat one-on-one with a support specialist, any time 24/7. The Online Hotline is confidential and anonymous. RAINN does not log IP addresses or save chat transcripts.

### **Reporting and Responsibilities**

College employees, except those statutorily barred from doing so, have a duty to immediately report possible Title IX violations to the Title IX Coordinator.

If you have confidentiality concerns, the Title IX Coordinator can discuss your options with you. You may request confidentiality. ICOM will attempt to protect your privacy to the fullest possible extent, consistent with our legal obligations to comply with federal and state laws and to protect our students and community.

Please direct questions about protecting your privacy to the Title IX Coordinator. Consider contacting a confidential counselor before disclosing to other ICOM employees. When meeting with a counselor, you can share as little or as much information as you choose. Sharing information with a Confidential Counselor is not the same as making a formal complaint to ICOM for the purpose of starting an Investigation.

Please note, you do not need to make a formal complaint to seek the assistance of a counselor. Confidential mental health licensed counselors have legally protected confidentiality and only share information with others when given specific permission by the person who has experienced the harm or when required by law.

The Title IX Coordinator, ICOM Safety and Security, and local Police do not have legally protected confidentiality but strive to safeguard the privacy of individuals who have been impacted by sex and gender-based violence and harassment. They share information as needed to respond to the requests of those who have been harmed, to assess community safety, or to comply with legal requirements.

### **Safety and Security**

ICOM's priority is to provide support, resources, and option, including the option to make a formal Complain to any person who has experienced sexual assault, stalking, relationship or intimate partner violence, sex- or gender-based harassment, and/or other sexual misconduct. ICOM must consider potential impact or harm to others in the ICOM Community. Safety and Security, the Title IX Coordinator, and confidential counselors all play an essential role in supporting affected individuals.

The best way to ensure that support and options are provided to someone who has experienced violence or harassment, and to ensure that overall community safety is considered, is to contact Safety and Security.

ICOM's Safety and Security provide consultation and support when you have safety and well-being concerns for yourself or others, including concerns about sex- or gender based violence and harassment.

**Call 911 in the case of emergency or the ICOM Campus Security Offices 208-795-4311. Ensure your safety first.**

When you contact Safety and Security, they will assess your needs and help you determine next steps. They will summarize the information you have shared and provide it to a counselor and the Title IX Coordinator. ICOM's Safety and Security and the Title IX Coordinator strive to safeguard your information, but do not have legally protected confidentiality. Knowing this, you may choose to remain anonymous when you contact them or share limited details about your experience. If the response specialist believes other ICOM professionals need to receive information about your situation to protect you or the safety of others, ICOM Safety and Security and/or the Title IX Coordinator will make you aware of the need to share the information provided.

When Safety and Security is contacted, they will:

- Conduct a real-time safety assessment to provide immediate support or safety planning if needed

- Connect the affected person with a counselor who can help explain their rights and options and provide ongoing support if desired
- Share the information they have received with the Title IX Coordinator to allow for an assessment of risk to the ICOM Community and to identify any patterns or broader issues related to the reported behavior
- Provide support and consultation to assist in establishing next steps and/or address any other concerns that arise

**All ICOM employees (faculty, staff, student employees and administrators) are designated as “responsible employees” required to report and must report actual or suspected Title IX violations immediately, subject to limited exceptions for employees who are statutorily barred from reporting (i.e. counselors). All details of the reports they receive must be shared promptly with the Title IX Coordinator.**

If an individual situation is determined to be severe, ongoing, or systemic, the Title IX Coordinator will work with relevant ICOM partners to determine the need for formal action, if any, beyond providing support, resources, and reporting options to the affected person.

#### **For Students and Employees in Crisis**

If you are experiencing a mental health emergency or need immediate assistance, please call 911, the Pathways Community Crisis Center of Southwestern Idaho at 833.527.4747 and/or the National Suicide Hotline at 988.

## **Medical Care and Sexual Assault Nurse Examiners (SANEs)**

After an assault you may want to seek medical care, especially if you have concerns about STIs, pregnancy, or physical injuries. Generally, seeking medical care as soon as possible is advised, and some services are time-sensitive. Relevant evidence is best collected within 72 hours but may be collected up to 120 hours after an assault. Some health care facilities have SANEs who are specially-trained to work with patients who have been sexually assaulted.

They will explain each step of the -process and allow you to make decisions about what you want to do next. A SANE exam is an important way to preserve evidence should you choose to make a police report.

### **If you have been sexually assaulted, a SANE can offer:**

- A physical exam that will identify any injuries
- Emergency contraception to prevent pregnancy
- Sexually-transmitted infection (STI) testing and prophylaxis medication to prevent infection
- Optional forensic evidence collection and documentation

Federal and state law protect the confidentiality of medical records. Information retained in medical provider records that is otherwise confidential may be subject to disclosure in response to a valid subpoena or court order.

In the Boise area, St. Luke's Hospital and Saint Alphonsus Regional Medical Center partner with the Ada County Community Sexual Assault Forensic Examiner (SAFE) team to provide [SANE \(Sexual Assault Nurse Examiner\)](#) services. St. Luke's Hospital and Saint Alphonsus Regional Medical Center have a dedicated team of SANE nurses who provide specialized care for survivors of sexual assault and intimate partner violence.

## **Making a Report**

Please review all the information on the ICOM Title IX Website:

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

### **Where to submit a Complaint?**

Students and Employees can file a claim of sexual harassment with the Title IX Coordinator in person or online at

<https://www.icom.edu/wpcontent/uploads/2023/09/ICOM-Title-IX-Complaint-Form-2023.pdf>

**Reporting is both a right and an individual choice. Consider connecting with a confidential, certified counselor to discuss your options.**

## **Reporting Options**

### **Making a Formal Complaint**

A formal complaint is a request for an investigation. You have the right to submit a formal complaint about any behavior that feels inappropriate or unwelcome. ICOM will respond to your complaint, whether you choose to file a police report or not.

The process ICOM follows to investigate and resolve Claims depends on who engaged in the behavior, a student, an employee, or a person unaffiliated with ICOM. Processes are designed to be prompt, fair, impartial and to equitably protect the rights of individuals participating in them. If you choose to submit a complaint, a confidential counselor can work with you throughout the complaint process, investigation, and hearing if you so choose. You will also work with the Title IX Coordinator throughout the process.

ICOM must investigate sexual harassment allegations in a formal complaint. A formal complaint is a document alleging sexual harassment has occurred and requesting ICOM to investigate the allegation. ICOM should generally respect the wishes of the complainant, when possible, for confidentiality, but in some cases a Title IX Coordinator may file the formal complaint even if the complainant does not want to participate in the Title IX process.

### **Reporting to the Police**

Behaviors described in this guide may also be a crime, and you may report them directly to the police. Police with jurisdiction over the location where the alleged crime occurred will investigate. If you have also chosen to report to ICOM, ICOM will make legally allowed efforts to work cooperatively with the law enforcement agency but will not unduly delay its own investigation. If you do report to the police, they may notify ICOM that a report has been made. Counselors can provide you with more information about reporting to the police. They can provide services regardless of where an incident took place.

### **Seeking a Court-Issued Protective Order**

The main purpose of a court-issued protective order is to keep the respondent or subject from contacting you or causing further physical harm. There are different types of protective orders available based on the situation and the people involved. Counselors are available to provide more information and support in seeking a protective order.

**Follow these steps if you believe you may have been involved in a sexual misconduct or gender-based incident: Call 911 in the case of emergency or the ICOM Campus Security Offices 208-795-4311. Ensure your safety first.**

### **Privacy and ICOM Records**

ICOM seeks to protect the privacy of those who participate in investigations of sexual assault, stalking, relationship or intimate partner violence, sex- and gender-based harassment, and/or other sexual misconduct in accordance with applicable state and federal laws. It balances this practice with the need to investigate and address prohibited behaviors, prevent their recurrence, and remedy their effects.

Some information relevant to investigations may be protected from disclosure by law, such as student records which are protected by the Family Educational Rights and Privacy Act (FERPA) or healthcare information which is protected by the Health Insurance Portability and Accountability Act (HIPAA).

In the case that information related to an investigation must be shared, it will be limited to those persons with a legitimate educational or business need to know. This might include members of the Title IX team on the ICOM campus, ICOM Human Resources, the ICOM President, the ICOM Dean, and possibly the ICOM Legal Services Office. ICOM must also report campus crime statistics, including those relevant to incidents of sexual violence, in compliance with its obligations under the Clery Act. Personally identifiable information is never disclosed in this context. If information is requested through a valid subpoena, court order, or warrant, ICOM may be required to disclose it.

If you have concerns about whether ICOM is in compliance with Title IX or other relevant laws, you may make a claim to state or federal enforcement agencies, including the following:

- U.S. Department of Education, Office for Civil Rights
- Equal Employment Opportunity Commission
- Idaho Human Rights Commission

### **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 ICOM 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.

#### **How can I obtain the record of an investigation?**

If you are a student who participated in an investigation, you may request records by emailing the Title IX Coordinator:

- Email: [hpowers@icom.edu](mailto:hpowers@icom.edu)
- Mail to: Title IX Coordinator, ICOM, 1401 E Central Dr., Meridian, ID 83642

#### **Title IX Coordinator**

Ms. Heidi Powers

Assistant Vice President of Human Resources & Title IX Coordinator

Office: ICOM Main Building Room 352

Email: [hpowers@icom.edu](mailto:hpowers@icom.edu)

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