

International College of Broadcasting (ICB)



Title IX Sexual Harassment Policy

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Policy Statement

The International College of Broadcasting (the “**College**” or “**ICB**”) is committed to fostering an atmosphere of mutual respect and to providing safe and nondiscriminatory learning and working environments. As such, the College prohibits and will not tolerate Sexual Harassment as defined in Title IX of the Education Amendments of 1972 (Title IX) by or against any member of the College community. Anyone who believes that this Policy has been violated is encouraged to bring their concerns to the College’s attention so that concerns can be addressed. ICB prohibits retaliation for good faith reports or for participating in the College’s processes set forth in this Policy.

All ICB community members are required to follow this Policy and are protected by this Policy. This Policy applies to Sexual Harassment committed by or against a college community member, that occurs in an education program or activity. Complaints alleging conduct not covered by this Policy will be addressed pursuant to the Student Code of Conduct or the applicable employee handbook.

This Policy is distributed annually to all students and employees of ICB and is posted outside of the Campus Director’s office. This Policy also will be provided by ICB to any student, employee or other individual who reports to ICB that they have been a victim of Sexual Harassment in potential violation of this Policy.

Title IX Notice of Nondiscrimination

It is the College’s policy to comply with Title IX of the Education Amendments of 1972 (“**Title IX**”). Title IX is a federal law which prohibits sex discrimination and states 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.”

In accordance with Title IX, this Policy addresses ICB’s prohibition of Sexual Harassment. Allegations of sex discrimination that do not involve Sexual Harassment will be handled in accordance with the College’s Nondiscrimination Policy.

Inquiries or Complaints about Title IX or any form of sex discrimination

or Sexual Harassment may be directed to the Title IX Coordinator:

Rachelle Williams
Campus Director
International College of Broadcasting (ICB)
6 S Smithville,
Dayton, OH
rachelle.williams@icb.edu

Definitions

A. Actual Knowledge

Actual Knowledge means notice of Sexual Harassment or allegations of Sexual Harassment to ICB's Title IX Coordinator or any College official who has authority to institute corrective measures on behalf of the College. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute Actual Knowledge. This standard is not met when the only official with actual knowledge is the Respondent. The mere ability or obligation to report Sexual Harassment or to inform a student about how to report Sexual Harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the College.

B. Advisor

Advisor refers to the person whom Complainant or Respondent selects to serve as an advisor to that individual during the Formal Complaint grievance process conducted under this Policy in connection with a Complaint of Sexual Harassment.

C. Coercion

Coercion means conduct or intimidation that would compel an individual to do something against their will by:

1. the use of physical force;
2. threats of severely damaging consequences; or
3. pressure that would cause a reasonable person to fear severely damaging consequences.

Coercion is more than an effort to persuade or attract another person to engage in sexual activity. Coercive behavior differs from seductive behavior based on the degree and type of pressure someone used to obtain

consent from another.

D. Complainant

Complainant means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

E. Consent

Under Federal Law “**Consent**” means:

Words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the individual. Consent does not mean the existence of a prior or current social relationship between the person and the victim or that the victim failed to resist a particular sexual act. A person who is mentally incapacitated or physically helpless cannot consent to a sexual act.

The use of alcohol or drugs by either person will not diminish the person’s responsibility for Sexual Violence under this Policy.

F. Dating Violence

Under Federal Law “**Dating Violence**” means:

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. This violence is also called domestic abuse and may be subject to criminal prosecution under Ohio law.

G. Domestic Violence

Under Federal Law “**Domestic Violence**” means:

A felony or misdemeanor crime of violence committed:

1. by a current or former spouse or intimate partner of the victim
2. by a person with whom the victim shares a child in common;
3. by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
5. by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Formal Complaint

Formal Complaint” means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that ICB investigate the allegation of Sexual Harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in the Education Program or Activity of the College. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information required to be listed for the Title IX Coordinator and by any additional method designated by ICB. As used in this paragraph, the phrase “document filed by a Complainant” means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by ICB) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint.

Investigator

Investigator” means an individual appointed by the Title IX Coordinator to investigate a Formal Complaint.

Respondent

Respondent means an individual who has been reported to be the perpetrator of conduct that constitutes Sexual Harassment.

Sexual Assault

Under Federal Law, “Sexual Assault” means:

- An offense classified as a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation.
- Any sexual act directed against another person, without the consent of the victim, including instances where the victim is

- incapable of giving consent.
- *Fondling* - The touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the victim, including instances where the victim is incapable of giving Consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- *Incest* - Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Statutory Rape* - Sexual intercourse with a person who is under the statutory age of Consent.

Sexual Harassment means:

Conduct on the basis of sex that satisfies one or more of the following:

1. An employee conditioning the provision of an aid, benefit, or service of ICB on an individual's participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to ICB's Education Program or Activity; or
3. "Sexual Assault," "Dating Violence," "Domestic Violence," or "Stalking."

Stalking

Under Federal Law "**Stalking**" means:

As a course of conduct which the actor knows or has reason to know would cause the victim under the circumstances to feel frightened, threatened, oppressed, persecuted, or intimidated, and causes this reaction on the part of the victim regardless of the relationship between the actor and victim.

Sexual Harassment Formal Complaint Grievance Process

When ICB receives a Formal Complaint of Sexual Harassment or the Title IX Coordinator decides to sign a Complaint of Sexual Harassment, the College will promptly respond and address the Complaint pursuant to the guidelines and procedures set forth in this Section.

Each process involving a Sexual Harassment Complaint will provide a prompt,

fair, and impartial investigation and resolution. Title IX Coordinators, Investigators, decision makers, and any person who facilitates an informal resolution process will receive training on the definition of Sexual Harassment, the scope of the College's Education Program or Activity, and how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Filing by Title IX Coordinator

1. When the Title IX Coordinator believes that with or without the Complainant's desire to participate in a grievance process, the allegations require an investigation, the Title IX Coordinator has the discretion to initiate a grievance process. The Title IX Coordinator may take circumstances into account such as whether a Complainant's allegations involve violence, use of weapons, or similar factors.
2. The Title IX Coordinator's decision to sign a Formal Complaint may occur only after the Title IX Coordinator has promptly contacted the Complainant to discuss availability of Supportive Measures, consider the Complainant's wishes with respect to Supportive Measures, and explain to the Complainant the process for filing a Formal Complaint.

Formal Complaint and Notice to Respondent

1. **Notice of allegations** - Upon receipt of a Formal Complaint or if the Title IX Coordinator signs a Complaint, the Title IX Coordinator will provide the following written notice to the parties who are known:
 - a. Notice of the College's grievance process, including any informal resolution process.
 - b. Notice of the allegations of Sexual Harassment potentially constituting Sexual Harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting Sexual Harassment, and the date and location of the alleged incident, if known. The written notice must:
 - include a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the

- grievance process.
 - inform the parties that they may have an Advisor of their choice, who may be, but is not required to be, an attorney, and may inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the ICB does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other sources.
 - inform the parties of any provision in the Student Code of Conduct or applicable employee handbook that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- c. If, in the course of an investigation, the Title IX Coordinator decides to investigate allegations about the Complainant or Respondent that are not included in the notice provided as described above, the Title IX Coordinator must provide notice of the additional allegations to the parties whose identities are known.

Dismissal of a Formal Complaint

ICB must investigate the allegations in a Formal Complaint. If the conduct alleged in the Formal Complaint would not constitute Sexual Harassment, even if proved, did not occur in an Education Program or Activity, or did not occur against a person in the United States, then the Title IX Coordinator must dismiss the Formal Complaint regarding that conduct for purposes of Sexual Harassment under Title IX. Such a dismissal does not preclude action under the Student Code of Conduct, Student Sexual Misconduct Policy, or applicable employee handbook.

1. The Title IX Coordinator may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:
 - a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
 - the Respondent is no longer enrolled or employed by the College; or
 - specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the Formal Complaint or allegations therein.
2. Upon dismissal of a Formal Complaint, the Title IX Coordinator must promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

Consolidation of Formal Complaints

The Title IX Coordinator may consolidate Formal Complaints as to allegations of Sexual Harassment against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Sexual Harassment arise out of the same facts or circumstances. Where a grievance process involves more than one Complainant or more than one Respondent, references to the singular “party,” “Complainant,” or “Respondent” include the plural, as applicable.

This stage of initial review of the Formal Complaint by the Title IX Coordinator and initial notice of the Formal Complaint to the Respondent generally will take up to ten (10) calendar days. In some cases, more time may be required.

Informal Resolution Process

ICB may not require the parties to participate in an informal grievance process and may not offer an informal grievance process unless a Formal Complaint is filed. However, at any time prior to reaching a determination regarding responsibility the Title IX Coordinator may facilitate an informal grievance process, such as mediation, that does not involve a full investigation and adjudication. If an informal grievance process is offered, the Title IX Coordinator will provide to the parties a written notice disclosing the allegations and the requirements of the informal grievance process including the circumstances under which it precludes the parties from resuming a Formal Complaint arising from the same allegations. At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal grievance process and resume the formal grievance process with respect to the Formal Complaint, and any consequences resulting from participating in the informal grievance process, including the records that will be maintained or could be shared. The Title IX Coordinator must obtain the parties' voluntary, written consent to the informal grievance process; and will not offer or facilitate an informal grievance process to resolve allegations that an employee sexually harassed a student.

If the Complainant, the Respondent, and the College all agree to pursue an informal grievance process, the Title IX Coordinator will attempt to facilitate a resolution that is agreeable to the parties and the College. The Title IX Coordinator will act as a neutral and will not be an advocate for either the Complainant or the Respondent in the informal grievance process. Under the informal grievance process, ICB will only conduct such fact-finding as is useful to resolve the conflict and as is necessary to protect the interests of the parties, the

College, and the College community.

Informal resolution may involve the imposition of individual and community remedies designed to maximize the Complainant's access to the College. The recommended resolution may also include other institutional responses, requirements, or sanctions imposed on the Respondent.

ICB will not require a Complainant or Respondent to engage in mediation, directly confront the other party, or participate in any form of informal resolution. Participation in informal grievance resolution is voluntary, and the Complainant and Respondent have the option to discontinue the informal grievance process at any time and request the Formal Grievance Process. ICB also has the discretion to discontinue the informal grievance process and move the Complaint to the formal grievance process. If at any point during the informal grievance process, the Complainant or Respondent or the College wishes to cease the informal grievance process and to proceed through the formal grievance process, the informal grievance process will stop and the formal grievance process outlined below will begin.

The informal grievance process ends when a resolution has been reached or when the Complainant, the Respondent, or the College terminates the process. If the parties to the Formal Complaint agree in writing to the terms and conditions of a recommended resolution, which will include a description of the information relied upon in the informal grievance process, the case will be resolved without further process under this procedure. If all parties to the Complaint do not agree in writing to the terms and conditions of the recommended resolution, the Complaint will proceed through the formal grievance process.

Appeals are not allowed in cases where the parties have agreed to a voluntary informal resolution.

Emergency Removal

ICB may remove a Respondent from its Education Program or Activity on an emergency basis, provided that the College undertakes an individualized safety and risk analysis, determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of Sexual Harassment justifies removal, and provides the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

Administrative Leave

ICB may place a non-student employee Respondent on administrative leave during the pending grievance process.

Formal Grievance Process

1. Investigation

A Formal Complaint that is processed pursuant to the formal grievance process will be investigated by one or more Investigators assigned by the Title IX Coordinator to conduct an adequate, reliable, and impartial investigation. The parties will receive written notice of the Investigator appointed. If any party has a concern that the Investigator has a conflict of interest, the party should report the concern in writing as indicated in the “Conflicts of Interest” section below.

The Investigator will conduct the investigation in a manner appropriate to the circumstances of the case, which will typically include interviews with the Complainant, the Respondent, and any witnesses; these interviews are generally audio-recorded. As part of the investigation, ICB will provide an opportunity for both the Complainant and Respondent to advise the Investigator of any witnesses they believe should be interviewed, other evidence they believe should be reviewed by the Investigator, and to suggest questions that they would like asked of the other party. The Investigator has discretion to assess the relevancy of any proposed witnesses and determine which interviews to conduct, including the discretion to conduct interviews of individuals not identified by the parties. Similarly, the Investigator has discretion to assess the relevancy of any suggested questions for the other party and determine which questions to ask or not ask. The interviews will be supplemented by the gathering of any physical, documentary, or other evidence, as deemed appropriate and available.

The parties have the right to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the Advisor of their choice, who may be, but is not required to be, an attorney. Advisors must comply with the rules and expectations established by ICB.

The investigation is designed to provide a fair and reliable gathering of the facts. The investigation will be thorough, impartial, and fair, and all individuals will be treated with appropriate sensitivity and respect. The investigation will be conducted in a manner that is respectful of individual privacy concerns. The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on ICB and not on the parties.

The Title IX Coordinator will provide both parties with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a Formal Complaint, including the evidence upon which the College does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

The Investigator will prepare an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing or other time of determination regarding responsibility, send to each party and the party's Advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response. The investigative report can include but is not required to include the Investigator's recommended findings or conclusions. However, the decision maker is/are under an independent obligation to objectively evaluate relevant evidence and cannot defer to recommendations made by the Investigator in the investigative report.

The time frame for the investigation generally is within thirty-five (35) calendar days from the assignment of the Investigator. In some cases, more time may be required.

2. Determination Regarding Responsibility.

The decision maker must issue a written determination regarding responsibility. To reach this determination, the decision maker will use the preponderance of evidence standard of proof.

The written determination must include:

- Identification of the allegations potentially constituting Sexual Harassment
- A description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination;
- Conclusions regarding the application of the applicable code of conduct to the facts;
- A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions ICB imposes on the Respondent, and whether remedies designed to restore or preserve equal access to the College's Education Program or Activity will be provided by the College to the Complainant; and
- ICB's procedures and permissible bases for the Complainant and Respondent to

- appeal.
- ICB must provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the College provides the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.
- The Title IX Coordinator is responsible for effective implementation of any remedies.

The time frame for the hearing generally is within twenty (20) calendar days from the decision maker receiving the investigation report and any response statements and rebuttal statements of the parties from the Title IX Coordinator. In some cases, more time may be required.

The determination of the decision maker may be appealed as provided below. If no appeal is filed within the time periods prescribed below, the decision will be final.

The Title IX Coordinator will assign an appeal official to decide the appeal. The parties will receive written notice of the appeal official appointed. If any party has a concern that the appeal official has a conflict of interest, the party should report the concern in writing as indicated in the “Conflicts of Interest” section below.

The appeal official has final authority to decide whether one of the above-listed grounds for appeal has been satisfied using a preponderance.

3. Remedies.

The final determination may include remedies designed to restore or preserve the Complainant’s equal access to education, which may include, but are not limited to:

- A mutual or one-sided no contact directive;
- Prohibiting an individual involved from being on ICB property, of the evidence standard.

The appeal official will issue a written decision to the Title IX Coordinator including their findings, decision, and rationale. If the appeal official determines that the appealing party has not demonstrated that it is more likely than not that one or more grounds for appeal have been satisfied, the appeal official will dismiss the appeal. This dismissal decision is final and is not appealable.

The time frame for the appeal generally is within thirty (30) calendar days from the appeal official’s receipt of the appeal file. In some cases, more time may be

required.

Appeals arising out of alleged violations of this Policy must be made under this appeal process and are not eligible for consideration under any other faculty, staff or student grievance policies or processes.

4. Possible Sanctions and Remedies

Sanctions and remedies that ICB may assign in either the formal grievance process or the informal grievance process are intended to be corrective, educational, and disciplinary. Each potential sanction listed in this Section may be imposed alone or in combination for a Respondent found responsible for a violation of this Policy.

Sanctions. The sanctions which may be imposed include, but are not limited to, the following:

- **Oral Warning:** an oral notice that continuation or repetition of prohibited conduct may be cause for additional disciplinary action.
- **Formal Reprimand:** an official written statement of ICB’s disapproval of the actions of a Respondent and a warning that any future violation(s) will result in more serious discipline, up to and including dismissal.
- **Performance Improvement Processes:** An employee may be issued performance improvement documentation and requirements.
- **Changes in Terms and Conditions of Employment:** An employee may have a change implemented as to the person’s position, rank, appointment, duties, compensation or other terms and conditions of employment.
- **Revocation of Admission or Job Offer:** A student or employee applicant may have an offer of admission or employment revoked by ICB.
- **Revocation of Tenure or Other Appointment:** An employee or faculty member may have an appointment or status, including tenure status, revoked.
- **Disciplinary Probation:** an official notice that the conduct of the Respondent is in violation of this Policy, but does not warrant suspension, dismissal, or termination. Probation is for a designated period and includes the possibility of more severe disciplinary sanctions, up to and including dismissal, if the Respondent commits another violation during the probationary period. In the case of a student, during the probation period, a student will be considered “not in good standing” and may be excluded from some programs and curricular or extracurricular activities.
- **Suspension:** an involuntary separation of the Respondent from ICB for a

definite period and/or until certain conditions are met. Suspension of a student may require administrative review and approval by the appropriate officials prior to readmission. In the case of an employee, the suspension is unpaid.

- **Deferred Suspension:** the discipline of suspension may be placed in deferred status provided that the Respondent completes other assigned sanctions by specified deadline dates. Failure to complete all sanctions and provide evidence of completion by the deadline date(s) will result in the automatic implementation of the suspension without further charges or administrative procedures. If a Respondent is found responsible for another violation of college policy during the period of deferred suspension, the Respondent may be permanently dismissed from ICB.
- **Permanent Dismissal:** a Respondent can be involuntarily separated from the College.
- **Delay and/or Denial of Degree Award:** during the period disciplinary charges are pending against a student, the College may deny and/or delay issuance of a degree. Further, ICB may refuse to issue a degree to a student who is serving a suspension or has been permanently dismissed from ICB.
- **Revocation of Degree:** an awarded degree may be revoked for violations of this Policy, which occurred prior to the award of the degree but are discovered after the degree has been awarded, where the violation is sufficient to justify the suspension or permanent dismissal of the student.
- **Educational/Accountability Measures:** an individual may be required to attend an educational class, training, meeting, assessment, coaching, counseling, and/or rehabilitation, at the individual's expense.
- **Loss of Privileges and Access/Participation Restrictions:** An individual may lose one or more privileges afforded to them as an ICB community member or otherwise, including but not limited to loss of campus housing, campus access, or participation in a group, program, course, or activity.
- **Other Sanctions:** Other sanctions may be imposed instead of or in addition to those specified above, which could include:
 - restitution (compensation for loss, damage or injury);
 - fines;
 - community service;
 - behavioral agreements
 - no trespass directives;
 - no contact directives;
 - restrictions on reapplication, rehire or reenrollment; and/or
 - removal or non-renewal of scholarships or honors.

ICB reserves the right to take whatever measures it deems necessary in response to

an allegation of Sexual Harassment to protect student and employee rights and personal safety. Not all forms of Sexual Harassment will be deemed to be equally serious offenses, and ICB reserves the right to impose differing sanctions, depending on the severity of the offense. If the College issues a sanction that is not contained in this Policy, it will include that sanction in its next Policy update.

Education and Training

ICB offers informational sessions on Sexual Harassment to students, staff, and faculty. Public safety officers, the Title IX Coordinator, the Deputy Title IX Coordinator, and any individual designated an Investigator, decision maker, appeal official, and any person who facilitates an informal resolution process, will be required to undergo annual training on the definition of Sexual Harassment; the issues related to domestic violence, dating violence, sexual assault and stalking; the scope of the College's Education Program or Activity; how to conduct an investigation and grievance process that protects the safety or complainants and promotes accountability, including hearings, appeals, and informal resolution processes as applicable; and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias. Any materials used to train Title IX Coordinators, Investigators, decision makers, appeal officials, and any person who facilitates an informal resolution process, must not rely on sex stereotypes, and must promote impartial investigations and adjudication of Formal Complaints of Sexual Harassment.

From the Department of Education:

Situations in Which a Party or Witness Does Not Participate in a Live Hearing or in Cross-examination, neither the complainant nor the respondent is required to participate in the resolution process outlined in these procedures. The school will not draw any adverse inferences from a complainant's or respondent's decision not to participate or to remain silent during the process. An investigator or decision-maker, in the investigation or the hearing respectively, will reach findings and conclusions based on the information available.

Resource: <https://www2.ed.gov/about/offices/list/ocr/docs/202107-qa-titleix.pdf>

Confidentiality

ICB must keep confidential the identity of any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, and any witness, except as may be permitted by FERPA, or as required by law, or to carry out the purposes of Title IX, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Conduct that is inconsistent with this Policy poses a potential harm or danger to members of the College community, and in some cases, ICB must issue a timely warning to the College community in compliance with the Clery Act, 20 U.S.C. § 1092. In these cases, ICB will only provide enough information to safeguard the College community. If a Complainant desires Supportive Measures, the Complainant's identity will be kept confidential (including from the Respondent), unless disclosing the Complainant's identity is necessary to provide Supportive Measures for the Complainant. All files, documents, and other materials collected during the investigation will be kept in the confidential files of the Title IX Coordinator. A student who reports an incident of Sexual Assault will, upon request, have access to their description of the incident as it was reported to the College. This right to access applies even if the student transfers to another postsecondary institution.

In connection with the ICB's legally required recordkeeping, statistical reporting, or community warnings under the federal Clery Act, ICB will protect a victim's confidentiality to the extent possible even if the victim does not specifically request confidentiality. Publicly available recordkeeping, statistical reporting, and disclosures will not include names or other information that may personally identify either party, to the extent permitted by law. To ensure that a victim's personally identifying information is not included in publicly available recordkeeping, the Title IX Coordinator describes the alleged incidents by removing the victim's and Respondent's names and any other identifiers that would enable the public to identify the victim or Respondent in the context of the incident report.

ICB may issue a crime alert (referred to as a timely warning) to the ICB community about certain reported offenses if a serious or ongoing physical threat to the community exists. The timely warning may include that an incident has been reported, general information surrounding the incident, and how incidents of a similar nature might be prevented in the future and will not include any identifying information about the individual who has alleged the Sexual Harassment.

Reporting Sexual Harassment

ICB encourages individuals who believe they or another person has experienced Sexual Harassment to report the incident to the College. ICB also encourages individuals who have experienced criminal Sexual Assault to report the incident to law enforcement.

Reporting to the College

To take appropriate corrective action, ICB officials must have Actual Knowledge of Sexual Harassment in an Education Program or Activity against a person in the United States. Therefore, any official designated in Section IV. A. who has Actual Knowledge of Sexual Harassment, or any student or employee who believes that they or another person has experienced Sexual Harassment should promptly report such behavior.

When a student or employee reports to ICB that they have been a victim of alleged Sexual Harassment, ICB will provide a written explanation of available rights, options, and the formal complaint grievance process. A Complainant must be participating in, or attempting to participate in, the College's Education Program or Activity at the time of filing a Formal Complaint.

Amnesty for Other Policy Violations

Any member of the ICB community who in good faith reports an incident of Sexual Harassment, whether as a victim or a witness, shall not be penalized by the College for admitting in the report to a violation of the ICB's student conduct policy on the personal use of drugs or alcohol.

Title IX Coordinator's Initial Review and Response to Reports to ICB

When the Title IX Coordinator receives a report of alleged Sexual Harassment, the Title IX Coordinator or their designee will contact the Complainant to discuss the availability of Supportive Measures consider the Complainant's wishes with respect to Supportive Measures and seek to hold a preliminary meeting with the Complainant. The purpose of the preliminary meeting is to allow the Title IX Coordinator to gain a basic understanding of the nature and circumstances of the report; it is not an investigation interview. The Title IX Coordinator will consider the Complainant's wishes with respect to Supportive Measures, inform the

Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint and explain the process for filing a Formal Complaint.

The Title IX Coordinator will engage in a meaningful dialogue with the Complainant to determine which Supportive Measures may restore or preserve equal access to the Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College's educational environment, or deter Sexual Harassment.

- Examples of Supportive Measures include, but are not limited to:
 - Counseling;
 - Extensions of deadlines or other course-related adjustments;
 - Modifications of work or class schedules;
 - Campus escort services;
 - Mutual restrictions on contact between the parties;
 - Changes in work or housing locations;
 - Leaves of absence;
 - Increased security and monitoring of certain areas of the campus and other similar measures.

The Title IX Coordinator will be responsible for determining what Supportive Measures will be put in place with or without the filing of a Formal Complaint. If the Title IX Coordinator does not provide a Complainant with Supportive Measures, the Title IX Coordinator will document the reasons why, and why this determination was not clearly unreasonable considering the known circumstances.

Reporting to Law Enforcement

Some types of Sexual Harassment prohibited by this Policy may also be a crime. Individuals who believe they have experienced criminal Sexual Assault are strongly encouraged to notify local law enforcement. Individuals have the right to notify or decline to notify local law enforcement. ICB will assist individuals who wish to notify law enforcement. Filing a report with law enforcement is not necessary for the College to proceed with institutional procedures and will not impede institutional procedures. A College investigation and a criminal investigation may be pursued simultaneously. At times, the College may briefly delay the start of its formal grievance process under this Policy if requested by law enforcement to avoid interfering with law enforcement activities.