

Policy: "Title IX Sexual Harassment"

Purpose

Ranken Technical College is committed to providing an inclusive and welcoming environment for all members of our community. The College values safety, diversity, education, and equity and is firmly committed to maintaining a campus environment free from Sexual Harassment. This policy is grounded in Title IX of the Education Amendments Act of 1972 ("Title IX") and its implementing regulations. Title IX governs the College's response to Sexual Harassment, including Sexual Assault, Dating Violence, Domestic Violence, and Stalking, as defined in this policy. Such acts violate the essential dignity of our community members and are contrary to our institutional values.

Policy Scope:

This policy and associated procedures provide for the prompt and equitable response to reports of Sexual Harassment, including Sexual Assault, Dating Violence, Domestic Violence, and Stalking, as defined in this policy ("Title IX Sexual Harassment").

This policy and associated procedures protect College students, employees, and other persons in the United States from Title IX Sexual Harassment in an Education Program or Activity of Ranken Technical College. This policy and associated procedures apply to the conduct of Ranken's students, employees, and other persons reported to have engaged in conduct that could constitute Sexual Harassment under this policy.

This policy applies to locations, events, or circumstances for which the Ranken Technical College has substantial control over both the Respondent and the context in which the Title IX Sexual Harassment occurred at the time of the alleged incident. This includes any building owned or controlled by a student organization that is officially recognized by the College. This policy applies to conduct that occurs at all three of the College's locations.

Sexual Assault, Dating Violence, Domestic Violence, Stalking, and Discrimination or Harassment based on Sex not meeting the definitions and/or jurisdictional requirements set out in this policy will be addressed under the College's policies governing standards of conduct and related procedures.

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Effective Date:

The Title IX Sexual Harassment policy and procedures will apply to reports of Title IX Sexual Harassment that reportedly occurred on or after August 14, 2020.

Policy Statement:

This policy prohibits specific forms of Sexual Harassment. Specifically, this policy prohibits Sexual Harassment, including Sexual Assault, Dating Violence, Domestic Violence, and Stalking, as defined in this policy ("Title IX Sexual Harassment").

When the College has actual knowledge of a potential violation of this policy, the Title IX Coordinator/Title IX Investigator, in consultation with other administrators, will implement reasonable and appropriate supportive measures to restore or preserve equal access to the College's Educational Program or Activities and to protect the safety of the parties.

When a Formal Complaint under this policy is filed, as detailed in the related procedures, the College will initiate a formal process of investigation and adjudication of the alleged policy violation.

Definitions

Actual Knowledge: Notice of Sexual Harassment or allegations of Sexual Harassment to the College's Title IX Coordinator/Title IX Investigator or any official of the College who has authority to institute corrective measures on behalf of the College.

Consent: Defined as affirmative, conscious decision indicated clearly by words or action to engage in mutually acceptable sexual activity.

Dating Violence: Violence committed by a Respondent who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship is determined based on consideration of:

- The length of the relationship;
- The type of relationship;
- and the frequency of interaction between the persons involved in the relationship.

Domestic Violence: Felony or misdemeanor crimes of violence committed by:

- A current or former spouse or intimate partner of the Complainant;
- By a person with whom the Complainant shares a child in common;

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- By a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner;
- By a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth Complainant 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.

Education Program or Activity: Locations, events, or circumstances for which the College exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurred at the time of the alleged incident, which includes any building owned or controlled by a student organization that is officially recognized by the College.

Employee: Any faculty or staff member, whether part-time or full-time, permanent or temporary. For the purposes of this policy, employees who are also students are considered employees if the Complainant alleges that the student-employee conditioned the provision of College aid, benefits, or services which the student-employee had the authority or ability to provide on the Complainant's participation in unwelcome Sexual Contact.

Forcibly: Using physical violence, intimidation, or express or implied threats of physical or emotional harm that would cause a reasonable person in similar circumstances and with similar identities to fear immediate or future harm. Physical violence entails exerting control over another person using physical force, including but not limited to hitting, punching, slapping, kicking, restraining, strangling, or brandishing a weapon.

Formal Complaint: A document filed by a Complainant or signed by the Title IX Coordinator alleging Title IX Sexual Harassment against a Respondent and requesting that the College investigate the allegation of Title IX Sexual Harassment.

Complainant: An individual who is alleged to be the subject of conduct that could constitute Title IX Sexual Harassment.

Respondent: An individual who has been reported to have engaged in conduct that could constitute Title IX Sexual Harassment.

Sex: An individual's biological status of male or female.

Sexual Assault: Any of the following sexual acts directed against another person, without Consent, including instances where the person is incapable of giving Consent.

- **Rape:** Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of that person.

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- **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the Consent of the person, including instances where the person is incapable of giving Consent because of age or 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 (also Title IX Sexual Harassment): Conduct on the basis of Sex that satisfies one of the following:

- An employee conditioning the provision of College aid, benefits, or services on the Complainant's participation in unwelcome Sexual Contact;
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to a College education program or activity; or
- Sexual Assault, Dating Violence, Domestic Violence, or Stalking, as defined in this policy.

Stalking: Engaging in a course of conduct based on Sex directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional distress.

Supportive Measures: Non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to a party before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive Measures are designed to restore or preserve equal access to the College's educational programs or activities without unreasonably burdening the other party and include measures designed to protect the safety of all parties or the College's educational environment or to deter Sexual Harassment. Supportive Measures will be maintained as confidential, to the extent that maintaining such confidentiality would not impair the ability of the College to provide the Supportive Measures. Supportive Measures may include, but are not limited to:

- Access to counseling services and assistance in setting up initial appointments, both on and off campus
- Arranging for medical services
- Rescheduling of exams and assignments
- Providing alternative course completion options
- Changes to class schedules, including the ability to drop a course without penalty or to transfer sections
- Providing academic support services, such as tutoring
- Modifications of work or class schedules

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- Providing an escort to promote safe movement between classes and activities
- Restrictions on contact between the parties
- Changes to work or housing locations
- Assistance from College support staff in completing housing relocation
- Voluntary leaves of absences
- Increased security and monitoring of certain areas of the College
- College-imposed leave, suspension, or separation for the *Respondent*⁶
- Any other measure which can be tailored to the involved individuals to achieve the goals of this policy.

Policy Contacts

Inquiries or concerns about this policy or Title IX may be referred to the College's Title IX Coordinator/Title IX Investigator.

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Concerns about the College's application of laws covered by this policy may be addressed to the United States Department of Education, Office for Civil Rights.

Office for Civil Rights
OCR@ed.gov
(800) 421-3481