



# IVCCD

## Annual Security & Fire Safety Report

Marshalltown Community College/  
Iowa Valley Grinnell

Ellsworth Community College

Fall 2023

It is the policy of the Iowa Valley Community College District not to discriminate in its programs, activities, or employment on the basis of race, color, national origin, sex, disability, age, sexual orientation, gender identity, creed, religion, and actual or potential family, parental or marital status.

If you have questions or complaints related to compliance with this policy, please contact the Vice President of Administration, serving as the District Equity Officer, 3702 S. Center Street, Marshalltown, IA 50158, 800-284-4823, [Equity@iavalley.edu](mailto:Equity@iavalley.edu), or the Director of the Office for Civil Rights U.S. Department of Education, John C. Kluczynski Federal Building, 230 S. Dearborn Street, 37th Floor, Chicago, IL 60604-7204, Telephone: (312) 730-1560 Facsimile: (312) 730-1576, TDD 800-877-8339 Email: [OCR.Chicago@ed.gov](mailto:OCR.Chicago@ed.gov).

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## **Educational Equity Statement**

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Retaliation against any individual for reporting discrimination or assisting in providing information relevant to a report of discrimination is strictly prohibited by IVCCD and constitutes a violation of this policy.

## **IVCCD Vision**

We will serve our communities as an essential catalyst for educational and economic vitality.

## **IVCCD Mission**

We are committed to providing quality learning experiences, ensuring student success, and partnering to address diverse community needs in an inclusive and respectful environment.

## IVCCD Core Values

- Educational excellence through learning that prepares students for lifetime success.
  - Leadership and communication through shared responsibility for accountability, transparency and respect.
  - Partnerships to support educational opportunities that strengthen our communities and foster economic development.
  - Recognition of students, employees and community members for contributions and outstanding achievements aligning with our Vision, Mission and Core Values.
  - Growth and sustainability through planning, innovation and optimizing resources.
  - Continuous quality improvement in all we do.
  - Diverse and inclusive culture ensuring access, equity, dignity, and respect for all.
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*In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Iowa Valley Community College District's Annual Security & Fire Safety report is provided here. The report includes statistics for the previous three years concerning reported crimes that occurred on campus, in certain off-campus buildings or property owned or controlled by Iowa Valley Community College District, and on public property within or immediately adjacent to and accessible from the campus. The report also includes institutional policies concerning campus security, such as the policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters. Please contact the Dean of Students office at ECC or MCC for more information and/or to request a copy of this report.*

*Iowa Valley has long recognized the need to be prepared for critical incidents. Under the guidance of the Safety Team, various departments and offices work together to ensure the College is doing all it can to prepare for, prevent, respond to, and recover from emergency situations. In conjunction with local first responders, such as the Marshalltown, Iowa Falls and Grinnell Police and Fire Departments, the College is well-prepared to respond to a full range of critical incidents.*

*The Safety Teams work together to ensure our emergency protocols and plan are updated as needed and are applicable as new risks are identified. The College's Emergency Response Plan contains important information about what to do during an emergency. Information about Iowa Valley's safety and emergency procedures-- including procedures for evacuations, severe weather, fire and medical emergencies-- can be found in the Emergency Response Plan. This plan (located on the Safety & Security page of the website) is a shared responsibility, and we rely on each member of our community to contribute to security on our campuses by reporting suspicious activities and using common sense when carrying out their daily activities.*

## The Campus Security Act (also known as the Clery Act)

The Campus Security Act requires colleges and universities to:

- Publish an annual report every year by October 1 that contains three years of campus crime statistics and certain campus security policy statements.
- Publish crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus facilities and remote classrooms. (Statistics must be gathered from campus security, local law enforcement, and other College officials who have “significant responsibility for student and campus activities.”)
- Publish “timely warning” notices where a crime has occurred on or near campus that, in the judgment of Administration constitutes an ongoing or continuing threat to members of the College community.
- Make available for public inspection a daily public crime log of any crime that occurred on campus and is reported to a campus official.

The Dean of Students offices at ECC and MCC are responsible for preparing and distributing the annual report. The offices work with other departments (such as Residence Life, Plant Services, and Student Services) and law enforcement agencies to compile the information incorporated into the report. This report is made available by October 1 of each year and contains data from the previous calendar year.

We encourage members of the College community to use this report as a guide for safe practices on and off campus. The report is available on the College website. By October 1 of each year, the content and availability of the annual security report is available in the Dean of Students and Provost Offices.

The basis for this report is [The Clery Act Appendix for FSA Handbook](#), published by the U.S. Department of Education in 2020 and replaces the 2016 Handbook for Campus Safety and Security Reporting.

The campus geography of IVCCD is defined at the Marshalltown location to include the main MCC building at 3700 S. Center St. including the IVCCD District Office as well as a reasonable contiguous geographic area. In addition, the College owns the Education & Training Center in downtown Marshalltown. In Grinnell, the geography includes the main building at 123 6<sup>th</sup> Ave. W, including a reasonable contiguous geographic area. In Iowa Falls, the geography includes the main campus at 1100 College Ave. and includes a reasonable contiguous area. In addition, the College owns the Hamilton campus on the south side of Iowa Falls and operates the Ellsworth College Farm just northwest of town.

## **1. Timely Warning Policy**

In the event that a situation arises, either on or off campus, that, in the judgment of the Provost or President of the College, constitutes an ongoing or continuing threat, a campus wide “timely warning” will be issued. The warning will be issued through the College Emergency Notification System (ENS) to students, faculty, and staff.

Depending on the particular circumstances of the situation, especially in all situations that could pose an immediate threat to the community and individuals, the Provost office may also post a notice on the campus-wide electronic monitors and on the Iowa Valley websites and the [Canvas website](#), providing the College community with more immediate notification. In such instances, a copy of the notice is also made available for each residence hall. Anyone with information warranting a timely warning should report the circumstances to the Provost Office or Dean of Students office by phone or in person at:

**ECC** – Provost 641-648-8502 or Office 641-648-8510 or Dean of Student Affairs 641-648-8519 (Gentle Student Center)

**MCC** – Provost 641-844-5730 or Office 641-844-5719 or Dean of Students & Learning Services 641-844-5743 (MCC room 115)

**Grinnell** – Dean of Campus 641-269-2202; Stop at front desk for help

## **2. Preparation of Disclosure of Crime Statistics**

The Dean of Students offices prepare this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The full text of this report can be located on our [ECC](#) and [MCC/IVG](#) websites. This report is prepared in cooperation with the local law enforcement agencies surrounding our main campuses and alternate sites, Housing and Residential Services, the Title IX Coordinators, and the Provosts. Each entity provides updated information on their educational efforts and programs to comply with the Act.

Campus crime, arrest and referral statistics include those reported to designated campus officials (including but not limited to directors, deans, department heads, judicial affairs, advisors to students/student organizations, athletic coaches), and local law enforcement agencies. These statistics may also include crimes that have occurred in private residences or businesses and is not required by law. Iowa law (Code 261.9 B(4)) requires prompt, mandatory reporting to the local law enforcement agency by college practitioners when they provide medical services to a person they know or reasonably suspect is suffering from wounds inflicted by a firearm or is a result of assaultive or abusive conduct. Student services staff inform their clients of the procedures to report crime to the Dean of Students offices on a voluntary or confidential basis, should they feel it is in the best interest of the client. A procedure is in place to anonymously capture crime statistics disclosed confidentially during such a session.

Each year, an email notification is sent to all enrolled students providing the website to access this report. Faculty and staff receive similar notification with annual professional development. Copies of the report may also be obtained at the Dean of Students offices and Provosts offices located in the Gentle Student Center Room 233 (ECC) or Room 115 (MCC) or by calling ECC Provost at 641-648-8502 or MCC Provost at 641-844-5730. Prospective employees may obtain a copy from the same locations or from the websites. The website link to the report is also included in the Student Handbooks.

### **3. Reporting of Criminal Offenses**

To report a crime, contact local police in Marshalltown 641-754-5725 or Iowa Falls 641-648-6464 (non-emergencies), or dial 9-1-1 (emergencies only). Any suspicious activity or person seen in the parking lots or loitering around vehicles, inside buildings or around the Residential Halls should be reported to the Police Department. In addition, you may report a crime to the following areas:

#### **Dean of Students**

MCC 641-844-5743 or Room 115

ECC 641-648-8519 or GSC Room 233

Grinnell 641-269-2202 or Room 102 (Stop at front desk for help)

#### **Provost**

MCC Provost at 641-844-5730 or Room 104

ECC Provost at 641-648-8502 or GSC Room 220

#### **MCC Director of Student Engagement & Res. Life or ECC Director of Residence Life & Student Engagement**

MCC 641-844-5679 or Room 303C

ECC 641-648-8508 or Gentle Student Center room 114

#### **Title IX Coordinator**

MCC 641-844-5743 or Room 115

ECC 641-648-8513 or Kruse Main Room 016

For off-campus situations, contact the local Police Departments identified above. The College and local Police Departments have a mutual working agreement. Each entity augments the other within their jurisdictions during mutual investigations, arrests, and prosecutions. College personnel attend meetings with local law enforcement agencies to exchange ideas and problems that may be of concern for the College community.

### **4. Voluntary Confidential Reporting (if allowed per state statute)**

If you are the victim of a crime and do not want to pursue action within the College reporting system or through the local criminal justice system, you may still want to consider making a confidential report. Depending on current state statute permissions, the Dean of Students office can file a report for you on the details of the incident. If allowed by the state of Iowa, the purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, the College can keep an accurate record of the number of incidents involving students; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the institution.

## **5. Limited Voluntary Confidential Reporting**

The College encourages anyone who is the victim or witness to any crime to promptly report the incident to the police. Because police reports are public records under state law, both the Title IX Coordinators and the Dean of Students offices cannot hold reports of crime in confidence. Confidential reports for purposes of inclusion in the annual disclosure of crime statistics can generally be made to other College authorities as identified below.

## **6. Security & Access**

During business hours, the College (excluding certain housing facilities) will be open to students, parents, employees, contractors, guests, and invitees. During non-business hours access to all College facilities is by key, if issued, or by admittance via the Plant Services staff or Residence Life staff. In the case of periods of extended closing, the College will admit only those with prior written approval to all facilities.

Residence halls are secured 24 hours a day. Over extended breaks, the doors of all halls will be secured around the clock, and will be equipped with a lock separate from the regular key issued to resident students. Some facilities may have individual hours, which may vary at different times of the year. Examples are the Dale Howard Activity Center (ECC), the Student Activity Center (MCC), the Library (ECC and MCC), and the Business and Community Solutions Center. In these cases, the facilities will be secured according to schedules developed by the department responsible for the facility.

Emergencies may necessitate changes or alterations to any posted schedules. Areas that are revealed as problematic have security surveys conducted of them. Administrators from the Provost Office, Plant Services, Residence Life, and other concerned areas review these results. These surveys examine security issues such as landscaping, locks, alarms, lighting, and communications. Additionally, during the academic year, the Provosts, Deans, Plant Services administrators, Residence Life, and Maintenance meet regularly to discuss issues of pressing concern.

## **7. Campus Law Enforcement: Partnership with Police Departments**

The College maintains a close working relationship with the community police departments in Iowa Falls, Marshalltown, and Grinnell. The College staff occasionally works with other law enforcement agencies in the area. Meetings are held between the leaders of these agencies on both a formal and informal basis. The local Police Departments communicate regularly on the scene of incidents that occur in and around the campus area. The campus officials work closely with the investigative staff at Police Departments when incidents arise that require joint investigative efforts, resources, crime related reports and exchanges of information, as deemed necessary. Written memorandum of understandings between IVCCD and these local Police Departments are in place at this time with the Iowa Falls and Marshalltown police departments.

## **8. Encouragement of Accurate & Prompt Crime Reporting**

Community members, students, faculty, staff, and guests are encouraged to report all crimes and public safety related incidents to the appropriate campus administration in a timely manner.

To report a crime or an emergency on the campus, call 9-1-1 first and then:

### **Dean of Students**

MCC 641-844-5743 or Room 115

ECC 641-648-8519 or GSC Room 233

Grinnell 641-269-2202 or Room 102 (Stop at front desk for help)

### **Provost**

MCC Provost at 641-844-5730 or Room 104

ECC Provost at 641-648-8502 or GSC Room 220

### **MCC Director of Student Engagement & Res. Life or ECC Director of Residence Life & Student Engagement**

MCC 641-844-5679 or Room 303C

ECC 641-648-8508 or Gentle Student Center room 114

### **Title IX Coordinator**

MCC 641-844-5743 or Room 115

ECC 641-648-8513 or Kruse Main Room 016

To report a non-emergency security or public safety related matter, call the Dean of Students office and/or Provost of the College named above.

All incident reports are forwarded to the Dean of Students office for review and potential action through the student code of conduct process. Investigators will investigate a report when it is deemed appropriate. Additional information obtained via the investigation will also be forwarded to the Provost Office.

If a sexual assault or rape should occur, staff on the scene, including a response team, will offer the victim a wide variety of services. The College has a response team that has trained members who are available to assist a victim 24 hours a day.

This publication contains information about on-campus and off-campus resources. That information is made available to provide students with specific information about resources that are available in the event that they become the victim of a crime. The information about “resources” is not provided to infer that those resources are “reporting entities” for the District.

Crimes should be reported to the Deans of Students office to ensure inclusion in the annual crime statistics and to aid in providing timely warning notices to the College community, when appropriate.

## 9. Counselors & Confidential Crime Reporting

As a result of the negotiated rulemaking process which followed the signing into law, the 1998 amendments to 20 U.S.C. Section 1092 (f), clarification was given to those considered to be Campus Security Authorities (CSAs). All IVCCD employees are considered CSAs with the following exceptions: Campus “Pastoral Counselors” and Campus “Professional Counselors,” when acting as such, are not considered to be CSAs and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics. Please contact Student Services for referral to these services.

The rulemaking committee defines counselors as:

**Pastoral Counselor** – An employee of an institution who is associated with a religious order or a denomination, that is recognized by that religious order as someone who provides confidential counseling, and who is functioning within the scope of that recognition as a pastoral counselor.

**Professional Counselor** – An employee of an institution whose official responsibilities include providing psychological counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification.

## 10. Security Awareness Programs for Students & Staff

During student orientation prior to the start of the fall term, students are informed of services offered by the College regarding safety and security. Presentations outline ways to maintain personal safety and residence hall security. Students are told about crime on campus and in surrounding neighborhoods. Similar information is presented to new employees. Crime Prevention Programs and Sexual Assault Prevention Programs are offered on a continual basis.

Periodically during the academic year the local authorities, in cooperation with College organizations and departments, present crime prevention awareness sessions on sexual assault (rape and acquaintance rape), drug and alcohol abuse, theft, and vandalism, as well as educational sessions on personal safety and residence hall security.

A common theme of all awareness and crime prevention programs is to encourage students and employees to be aware of their responsibility for their own security and the security of others.

In addition to seminars, information is disseminated to students and employees through crime prevention awareness packets, online training, security alert posters, displays, videos, and articles and advertisements in College and student announcements.

When time is of the essence, information is released to the College community through security alerts posted on campus monitors and/or hallways, through memos sent via the students' College email, and through the Emergency Notification System.

## **11. Crime Prevention Programs for Students & Employees**

Crime Prevention Programs on personal safety and theft prevention are sponsored by various campus organizations throughout the year. Student Services personnel facilitate programs for students, parents, faculty, new employee orientations, student organizations, community organizations, in addition to regular programming by Residence Hall assistants and directors. Residents are provided a variety of educational strategies and tips on how to protect themselves from sexual assault, theft and other crimes. A rape prevention program is offered that begins with awareness, prevention, risk reduction and avoidance.

**Tip** – To enhance personal safety, and especially after an evening class, walk with friends or someone from class that you know well. On the ECC campus, students can also call the Residence Life desk or ECC Security number for an escort.

## **12. Criminal Activity Off Campus**

When a College student is involved in an off-campus offense, campus officials may assist with the investigation in cooperation with local, state, or federal law enforcement. Local Police Departments routinely work and communicate with campus officials on any serious incidents occurring on-campus or in the immediate neighborhood and business areas surrounding campus. The College operates no off-campus housing or off-campus student organization facilities. However, many students live in the neighborhoods near the campuses. Local police have primary jurisdiction in all areas off campus, but campus officials may respond to student-related incidents that occur in close proximity to campus. Campus staff may have telephone communications with the police, fire department, and ambulance services to facilitate rapid response in any emergency situation.

## **13. Alcoholic Beverages**

The possession, sale or furnishing of alcohol on the College campuses is governed by District Board Policy and Iowa law. Laws regarding the possession, sale, consumption or furnishing of alcohol is controlled by the local ordinance and is further defined in the Student Handbooks.

College campuses have been designated “drug-free” and only under certain circumstances is the consumption of alcohol permitted. The possession, sale, manufacture or distribution of any controlled substance is illegal under both state and federal laws. Such laws are strictly enforced by College administration. Violators are subject to student code of conduct disciplinary action, criminal prosecution, fine and imprisonment. It is unlawful to sell, furnish or provide alcohol to a person under the age of 21. The possession of alcohol by anyone under 21 years of age in a public place or a place open to the public is illegal. It is also a violation of the IVCCD Alcohol Policy for

anyone to consume or possess alcohol in any public or private area of campus without prior College approval. Organizations or groups violating alcohol/substance policies or laws may be subject to sanctions by the College.

## **14. Illegal Drug Possession**

The IVCCD campuses comply with the Drug-Free Schools & Communities Act Amendment of 1989, the Higher Education Act Amendment of 1998, and Public Law 101-226, to provide staff and students with information to prevent the use of illicit drugs and the illegal use of alcohol, and to provide a drug-free workplace for students and staff. It is unlawful for students to possess, use, or distribute illicit drugs and alcohol on District property or as part of any College-sponsored activity. Iowa laws pertaining to the possession and use of illicit drugs and alcoholic beverages on public property will be followed. Specifically, it is a violation of the drug and alcohol policy for students to purchase, manufacture, possess, or consume such items on campus or off campus at College-sponsored events/activities. Such laws are strictly enforced by the college administration. Violators are subject to student code of conduct disciplinary action, criminal prosecution, fine and imprisonment.

## **15. Substance Abuse Education**

### ***Prevention Programs***

The College has developed a program to prevent the illicit use of drugs and the abuse of alcohol by students. The program provides services related to drug use and abuse including dissemination of informational materials, educational programs, counseling services, referrals and college disciplinary actions.

### ***Legal Sanctions for Possession & Distribution of Illicit Drugs or Unlawful Possession of Alcohol***

**Manufacture, distribute, or possess with intent to deliver a controlled substance or counterfeit substance** (Title 21, USC 841). Penalty: Sentences range from two years and \$10,000 or both to 15 years and \$25,000 or both. All sentences carry a mandatory minimum confinement and repeat offenders are subject to double penalty.

**Possession of controlled substance, including marijuana** (Title 21, USC 844). Penalty: First conviction up to one year and \$1,000-100,000 or both. Special sentencing provisions for possession of crack cocaine: Mandatory five years up to 20 years and up to \$250,000 or both. Repeat offenders' penalties in both cases are increased.

**Distribution of controlled substance to persons under age 21** (Title 21, USC 845). Penalty: The penalties of USC 841 are doubled and the mandatory minimums are doubled.

*A violation of any law regarding alcohol/drugs is also a violation of the College's Student Code of Conduct and will be treated as a separate disciplinary matter by the College.*

## **16. Daily Crime Log**

Consistent with the Clery Act requirements, the Dean of Students Office and Dean of the Grinnell campus maintain a Daily Crime Log that records, listed by the date the incident was reported, all crimes and other serious incidents that occur on campus or in a non-campus building or property owned or operated by the College in a reasonably contiguous geographic area on public property within, adjacent to, or immediately accessible from the campus. The Daily Crime Log is available for public inspection from the Dean of Students Office or Dean of Grinnell's Office. The Daily Crime Log includes the nature, date, time, and general location of each crime reported, as well as its disposition if this information is known at the time.

## **17. Missing Student Procedure for Residential Students**

IVCCD takes student safety very seriously. To this end, the following policy and procedure has been developed in order to assist in locating student(s) living in College-owned, on-campus housing, who based on the facts and circumstances known to the College, are determined to be missing. This policy is in compliance with the Higher Education Act, Section 485(j).

Most missing person reports in the college environment result from students changing their routine without informing roommates and/or friends of the change. Anyone who believes a student to be missing should report the concern to Residence Life staff. Every report made to the Residence Life staff will be followed up with an immediate investigation once a student has been missing for 24 hours. Depending on the circumstances presented, parents of a missing student may be notified. In the event that parental notification is necessary, the Dean of Students Office or Campus Provost will place the call.

At the beginning of each academic year, residential students will be asked to provide, on a voluntary basis, emergency contact information in the event the student is reported missing while enrolled at the College. This emergency contact information will be kept in the Office of Residence Life and will be kept confidential (except to authorized campus officials and law enforcement).

### ***General Procedure***

The Director of Student Engagement & Residence Life (MCC) or the Director of Athletics & Student Life (ECC) shall notify the Dean of Students Office immediately of any student who has not been seen on campus, cannot be reached by acquaintances, and a concern has been expressed for the student's safety and well-being by an acquaintance for a period of more than 24 hours.

The Dean of Students Office shall contact Iowa Falls or Marshalltown law enforcement no later than 24 hours after the time the student is determined missing to file a missing person report.

The Dean of Students Office shall also contact the student's emergency contact within 24 hours of being reported missing.

## **18. Awareness & Education Programs**

### ***Sexual Harassment***

To prevent sexual harassment, educational efforts are undertaken to inform employees and students of their responsibilities regarding such behavior, how to identify and eliminate potential sexual harassment and what steps can be taken if instances of sexual harassment are experienced.

IVCCD conducts a number of programs aimed at preventing sexual offense and making the community aware of the potential of such crimes. Educational programs concerning sexual assault awareness are provided through Student Services and Residence Life, for all incoming students, residential students, and to the general campus population. In addition, the District works with external stakeholders to establish ongoing programming to the campus community.

### ***Domestic and Dating Violence***

IVCCD takes the safety of its students and employees seriously. As a result, further programming addresses concerns related to Domestic and Dating Violence. Student Services, Residence Life, and community experts in this field work together to ensure appropriate information is disseminated to the campus community. This includes reporting factual information about domestic and dating violence, how to access on-campus and off-campus assistance, and working with the legal system.

## **19. Sexual Misconduct**

*Note: A summary of the College's Title IX policy and procedures is provided below. The full text of the IVCCD Title IX Policy and Procedures is available on the website:*

<https://www.iavalley.edu/title-ix/>

The Iowa Valley Community College District, which operates Ellsworth Community College in Iowa Falls and Marshalltown Community College in Marshalltown (collectively, the "College") supports the rights of all individuals to live and study in an environment free from sexual coercion and violence. In accordance with Title IX of the Education Amendments Act of 1972, the College prohibits sex discrimination, including sexual harassment, as defined in Section II. The College will utilize processes in the IVCCD Title IX Policy and Procedures Manual to respond to all claims of sex discrimination or sexual harassment. If the College determines that a report or complaint does not constitute a violation of Title IX, it may still proceed to investigate or respond to that report or complaint under any other applicable College policy or procedure.

Sexual misconduct is a crime punishable by both civil and criminal legal action and a serious violation of College policies, procedures, and rules. It will not be tolerated within our community. Employees and students of the College are charged with the responsibility of being familiar with and abiding by the standards of conduct set forth herein. The College will provide programs to prevent domestic violence, dating violence, sexual assault, stalking, and sexual harassment, including primary prevention and

awareness education programs for all incoming students, as well as ongoing prevention and awareness campaigns for students and employees, which shall contain the information included in this guideline and related Board policy and as required by law. In addition to direct areas of threat, the College will engage in training opportunities for bystander intervention which focuses on both prevention messages and advocates for the facilitation of appropriate bystander behavior. This is done by a) increasing awareness of gender violence, b) increasing recognition that it is a problem, c) increasing ownership/responsibility of the issue, d) developing skills to intervene, and e) increasing recognition of such intervention.

The requirements of this policy do not discriminate based on sexual orientation or preference of individuals engaging in sexual activity.

All College employees are considered mandatory reporters of sexual harassment with exemptions made for mental health professionals and clergy as the law allows. When an employee becomes aware of an alleged act of sexual assault, sexual harassment, domestic/dating violence or stalking, the employee must promptly contact their College's designated Title IX Coordinator. The employee will complete a SaVE Act Reporting form. A response team is also available to provide guidance.

The SaVE Act Reporting form can be found at: <https://www.iavalley.edu/title-ix-reporting-form/>

## **Title IX Coordinators**

**MCC:** Nate Chua – Room 115 or 641-844-5743

**Grinnell contact:** Ashtyn Beek – Room 102 or 641-269-2202

**ECC:** Tracy Crippin – Kruse Main Room 016 or 641-648-8513

**BCS:** Becky Hassett– BCS 601 or 641-844-5780

**IVCCD (for employees):** Sara Aguilera – District Services or 641-844-5525

## **Sexual Harassment**

Sexual harassment means unwelcome behavior (verbal, written, physical) that is directed at someone because of that person's sex or gender, and that meets any of the following definitions:

1. "Quid Pro Quo" Harassment. A College employee, agent, or other individual under the College's control or authority explicitly or implicitly conditions an educational decision or benefit on submission to sexual conduct (e.g., sexual favors for a better grade, more playing time, pay increase, better work assignment; threatening (explicitly or implicitly) negative consequences if the student or employee rejects sexual advances). OR

2. Hostile Educational/Work Environment. Unwelcome conduct that creates a hostile, intimidating or demeaning environment that is sufficiently severe, pervasive, and offensive that it effectively denies a person equal access to participation in a student's educational activities and benefits or an employee's employment opportunities. Examples can include persistent and unwelcome efforts to develop a sexual relationship; bullying/cyber-bullying of a sexual nature or for a sexual purpose; unwelcome commentary about an individual's body or sexual activities; unwanted sexual attention; repeated and unwelcome sexually-oriented teasing, joking or flirting; verbal abuse of a sexual nature. Behavior could be verbal, non-verbal (e.g., gestures, touching), written or electronic; OR
3. Sexual assault. An offense that meets the definition any one of the following offenses:
  - Rape: the 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 consent of the victim.
  - Fondling: the touching of the private body parts of another person for the purpose of sexual gratification without consent of the victim,
  - Incest: sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law; or
  - Statutory rape: sexual intercourse with a person who is under the statutory age of consent; OR
4. Stalking:
  - Purposefully engaging in a course of conduct directed at a specific person ("target") that would cause a reasonable person to fear bodily injury to, or the death of, the target or a member of the target's immediate family;
  - when the person ("stalker") knows or should know that the target will be placed in reasonable fear of bodily injury to, or the death of, the target or a member of the target's immediate family by the course of conduct; and
  - the stalker's course of conduct induces fear in the target of bodily injury to, or the death of, the target or a member of the target's immediate family; OR
5. Dating Violence: violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on a consideration of:
  - The length of the relationship.
  - The type of relationship.
  - The frequency of interaction between the persons involved in the relationship; OR
6. Domestic Violence: any felony or misdemeanor crime of violence committed:
  - By a current or former spouse or intimate partner of the victim;
  - By a person with whom the victim shares a child in common;
  - By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
  - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Iowa; or

- 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 State of Iowa.

Determination as to whether the alleged conduct constitutes sexual harassment should take into consideration the totality of circumstances, including the context in which the alleged incidents occurred.

**Consent** is knowing, voluntary, and clear permission by word or action, to engage in mutually agreed upon sexual activity. In order to be effective, consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. For consent to be valid, there must be clear expression in words or actions that the other individual consented to that specific sexual conduct. When someone makes clear that he or she does not want sex, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive. Silence or the absence of resistance alone is not consent. Consent may be withdrawn at any time.

## How to Report Sexual Misconduct

In an emergency, call 9-1-1. You can also contact local law enforcement at 641-754-5725 (Marshalltown) or 641-648-6464 (Iowa Falls).

Any individual may make a report of sexual harassment to the College by contacting the appropriate Title IX Coordinator for their College:

Marshalltown Title IX Coordinator:  
Nate Chua, Dean of Students  
Address: 3700 South Center Street, Marshalltown, IA 50158  
MCC Room 115f  
Telephone: 641-844-5743  
Email: [Nate.Chua@iavalley.edu](mailto:Nate.Chua@iavalley.edu)

Ellsworth Title IX Coordinator:  
Tracy Crippin, Director of Student Success  
Address: 1100 College Avenue, Iowa Falls, IA 50126  
Office: Kruse Main Room 016  
Telephone: 641-648-8513  
Email: [Tracy.Crippin@iavalley.edu](mailto:Tracy.Crippin@iavalley.edu)

Business and Community Solutions Title IX Coordinator  
Becky Hassett, Director of Student Support Services  
Address: 3702 S. Center Street, Marshalltown, IA 50158  
IVCE Room 601  
Telephone: 641-844-5780  
Email: Becky.Hassett@iavalley.edu

IVCCD Human Resources Title IX Coordinator:  
Sara Aguilera, Associate Director of Human Resources  
Address: 3700 South Center Street, Marshalltown, IA 50158  
District Office  
Telephone: 641-844-5525  
Email: Sara.Aguilera@iavalley.edu

Upon receipt of a report of sexual harassment, whether or not made by the target of the harassment (Complainant), the Title IX Coordinator (or designee) will meet with the Complainant to explain the availability of supportive measures, with or without filing a formal complaint and explain the College's grievance process.

The Complainant has the option to notify law enforcement authorities including on-campus and local police, be assisted by campus authorities in notifying law enforcement authorities (if the victim so chooses) and to decline to notify such authorities. The procedures available under this Title IX Policy are available to Complainant whether or not Complainant reports the alleged conduct to law enforcement.

It is important to preserve evidence as may be necessary to prove sexual harassment, or to obtain a court order. It is imperative for sexual assault victims to have an examination at the local emergency facility as quickly as possible, and to not shower prior to having a forensic examination. The longer an individual waits to pursue this option, the more difficult it becomes to collect forensic evidence. The Title IX Coordinator, a sexual assault advocate, or local police can assist a victim in obtaining an exam. Crime Victim Compensation may be available to victims of sexual assault; for more information, call 800-373-5004. Confidentiality & Recordkeeping

### ***Confidentiality***

The College is committed to creating an environment that encourages individuals to come forward if they have experienced any form of sexual misconduct. However, the College cannot promise absolute confidentiality to any party. The College will keep confidential the identity of any individual who has made a report or complaint of sex discrimination or sexual harassment, or has been identified as the perpetrator or respondent to any such report or complaint, or is a witness to any complaint or investigation, except as required to carry out the purposes of this Policy (including the conduct of any complaint resolution process), applicable law, or as permitted by the Family Educational Rights and Privacy Act ("FERPA"), 20 U.S.C. § 1232g.

## ***Recordkeeping***

The College will maintain the following records for seven years from the date of closure of the complaint:

- Each sexual harassment investigation, including determinations, audio or video recordings, disciplinary sanctions, and any remedies provided to the Complainant;
- Any appeal and the result therefrom;
- Any informal resolution; and
- All materials used by the College to train Title IX Coordinators, investigators, decision-makers, and those who facilitate informal resolution under this Policy.

Additionally, the College will create and maintain for seven years from the date of closure of any complaint:

- Any actions, including supportive measures, taken in response to a report or formal complaint of sexual harassment;
- Documentation of the basis for the College's conclusion that its response to any such report or complaint was not deliberately indifferent;
- Documentation that the College has taken measures designed to restore or preserve access to the College's educational program or activity;
- Where no supportive measures are provided to Complainant, documentation of why it was not clearly unreasonable to do so.

## **PROCESS FOR RESPONDING TO REPORTS OF SEXUAL HARASSMENT**

### ***Initial Meeting with the Complainant***

Upon receipt of any report of sexual harassment occurring in the College's educational program or activity, the Title IX Coordinator or designee will first schedule a meeting with the Complainant in order to provide the Complainant a general understanding of this Policy and to identify forms of supportive measures available to the Complainant with or without the filing of a formal complaint, and to explain the process for filing a formal complaint. The intake meeting may also involve a discussion of any specific supportive measures that may be appropriate.

At the initial intake meeting with the Complainant, the Title IX Coordinator or designee will seek to determine how the Complainant wishes to proceed. The Complainant may opt for: (1) informal resolution; (2) formal resolution; or (3) not proceeding. Supportive measures may still be offered by the College regardless of whether the Complainant chooses to pursue any available resolution process.

If the Complainant wishes to proceed with either informal or formal resolution, a formal written complaint must be filed and signed by the Complainant or signed by the Title IX coordinator alleging harassment against a respondent. Where the Title IX Coordinator signs a formal complaint, the Title IX Coordinator is not the complainant or otherwise a party to a complaint proceeding under this Policy. A formal complaint may be provided to the Title IX Coordinator in person, by email, or by US Mail.

### ***Supportive Measures***

The College may implement immediate supportive measures to protect the safety of the College community, to enable students or employees with complaints and witnesses to continue their studies or work, and to ensure the integrity of an investigation. Interim supportive measures will be individualized, provided without fee or charge to the student(s) or employee(s), and are non-disciplinary in nature.

The College may temporarily remove an accused student or place an accused employee on administrative leave on an emergency basis, but only if the College has performed an individualized safety and risk analysis that finds an immediate threat to the physical health or safety of any individual, or where the College is required to do so by any federal or state law, regulation, or rule. Any student or employee so suspended or placed on leave will be provided with notice and an opportunity to challenge this action immediately following the removal.

After reporting the alleged sexual harassment to the Title IX Coordinator or campus security, the following non-punitive, non-disciplinary supportive measures may be provided to any party to the complaint:

1. Change of an on-campus student's housing to a different on-campus location.
2. Transferring class sections when available.
3. Assistance in exploring alternative housing, incompletes, leave, or withdrawal.
4. Assistance from the Financial Aid Administrator in understanding financial obligations and options, including issues related to loan repayments terms and conditions.
5. Alternative work arrangements, schedules, or locations.
6. No contact directives. A mutual no-contact directive may be issued to the parties, regardless of whether Complainant chooses to pursue a criminal complaint or no contact order through law enforcement or the court system.

On-campus and off-campus resources are available to students at any time. MCC offers free mental health counseling through the Student Assistance Program. Contact Nancy Adams at 641-844-5753 or [Nancy.Adams@iavalley.edu](mailto:Nancy.Adams@iavalley.edu). Employee Assistance Program at 866-451-5465

Hardin County counseling services include:

- Crisis Intervention Services: 855-424-9133
- Hansen Family Hospital: 920 S. Oak St., Iowa Falls, 641-648-4631.
- Iowa Sexual Abuse Hotline: 800-228-1625 or 800-284-7821.
- Crime Victims' Compensation Program: 515-281-5044.
- Achieve Mental Health: 814 Railroad St., Iowa Falls, 641-648-4010.
- Behavior Health Services: 322 ½ College Ave., Iowa Falls, 641-648-6491.

Marshall County counseling services include:

- Center Associates (formerly Mental Health Center of Mid-Iowa): 9 N. 4th Ave., 641-752-1585.
- Child Abuse Prevention Services, Inc.: 104 S. 1st St., 641-752-1730.
- Crime Victims' Compensation Program: 515-281-5044.
- ACCESS Sexual Abuse Hotline 1-800-203-3488
- ACCESS Domestic Abuse Services 1-855-983-4641
- Shelter Services 1-855-696-2980
- Iowa Victim Services Call Center: 1-800-770-1650.
- Unity Point Health-Marshalltown: 3 South 4th Ave., 641-754-5151.
- Youth & Family Shelter Services: 11 East State St., 641-752-2300.

Poweshiek County resources (for Marshalltown and Grinnell students)

- Capstone Behavioral Healthcare: 641-528-6065, 200 4th Avenue West, Grinnell.
- Crisis Intervention Services, Crisis Line: 1-800-270-1620 or 641-673-0336, 500 High Avenue West, Oskaloosa, IA.
- UnityPoint Grinnell Regional Medical Center: 641-236-7511, 200 4th Avenue West, Grinnell

The College's Response Team will make available a member to serve as an informal support person for both the Complainant and the Respondent to help navigate the College's Title IX process. An individual who desires that details of the incident be kept confidential may speak with individuals who meet the professional counselor/pastoral exemption under the Clergy Act (mental health counselors) and who thus may not be obligated to report crimes they have learned about. Additionally, individuals may speak to off-campus rape crisis resources that may maintain confidentiality and/or clergy or chaplains off-campus. The College will protect the confidentiality of alleged victims and will not include identifying information about them in publicly available reports, to the extent permitted by law. Written notification will also be provided to individuals about existing counseling, health, mental health, victim advocacy, legal assistance and other support services for alleged victims, both on-campus and in the community.

### ***Informal Resolution***

Upon filing of a formal complaint, a Complainant who does not wish to pursue formal resolution may request a less formal proceeding, known as "Informal Resolution."

Informal resolution is available to the parties any time prior to a determination of responsibility made by the Hearing Panel.

#### 1. Election of Informal Resolution

The Title IX Coordinator will assess the severity of the alleged harassment and the potential risk of a hostile environment for others in the College community to determine whether informal resolution may be appropriate. Informal Resolution will not be used to resolve allegations involving an employee sexually harassing a student.

The College will not require the parties to participate in the Informal Resolution process as a condition of enrollment, employment, or of any other right conferred by the College.

The Title IX Coordinator will provide the parties with a written notice setting forth the allegations, the requirements of the informal resolution process set forth in this Policy, the right of any party to withdraw from the informal process and proceed with the formal grievance process at any time prior to agreeing to a resolution; and any consequences resulting from the participation in the informal process, including the records that will be maintained or could be shared by the College. Both parties must voluntarily consent in writing to participation in the informal resolution process.

#### 2. Information Gathering and Resolution Process

Upon receipt of written consent from the parties to participate in informal resolution, the Title IX Coordinator will consult separately with the Complainant and Respondent and gather additional relevant information as necessary. The Title IX Coordinator also may put in place any appropriate supportive measures to protect the educational and/or work environments of the parties. The Title IX Coordinator will work with parties to determine a mutually acceptable resolution to the complaint. This resolution will be reduced to writing and must be signed by the Complainant and the Respondent. Once both parties have voluntarily signed the written resolution, the written resolution becomes final and neither party can initiate the formal grievance process to resolve the allegations in the formal complaint. The written resolution is not subject to appeal.

#### 3. Election of Formal Resolution

Either party may, at any time prior to signing an informal resolution agreement, elect to end the informal resolution process and initiate formal resolution instead. In such cases, statements or disclosures made by the parties in the course of the informal resolution may not be considered in the subsequent formal resolution. In the event that either party elects to move forward with formal resolution, a new investigator will be designated who was not involved in the informal resolution process.

#### 4. Privacy of Informal Resolution

In order to promote honest, direct, communication, information disclosed during informal resolution will remain confidential, except where disclosure may be required by law or authorized in connection with duties on behalf of the College.

### ***Formal Resolution***

Upon submission of a formal complaint, Complainant may elect to pursue a formal resolution, which is described more specifically in this section.

#### 1. Advisors or Support Persons

Complainants and Respondents have equivalent rights to be accompanied at any stage of the process by an advisor or support person of their choice, at their own expense, who may be an attorney. Advisors/Support Persons may not answer questions on behalf of any party or otherwise participate in any interview or meeting, other than to confer with the party they are supporting/representing and to conduct questioning during a Hearing held pursuant to this Policy.

#### 2. Consolidation of Complaints

The College may consolidate formal complaints of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against another party, where the allegations arise out of the same facts or circumstances.

#### 3. Required Notices

**Notice of Investigation.** If a Complainant elects to pursue a formal complaint, the Title IX Coordinator or designee will provide a written Notice of Investigation simultaneously to both parties notifying the parties of:

- the identities of the parties involved in the incident;
- the conduct alleged;
- the date and location of the incident;
- Respondent's entitlement to a presumption of innocence;
- The parties' rights to have an advisor of their choice at the party's expense, who may be an attorney; and
- The parties' rights to review and comment on investigative evidence.

The written notice of investigation shall notify the parties that making false statements or knowingly submitting false information during the grievance process is prohibited by the College and may constitute an independent basis for disciplinary sanctions against any student or employee, up to and including suspension or expulsion of a student or termination of an employee's employment.

The notice of investigation shall be provided prior to the initial interview of either party by the Investigator.

If, during the course of investigation, the College determines that additional allegations will be investigated as part of the pending complaint, the Title IX Coordinator or designee will provide written notice of the additional allegations to any identified Complainant(s) or Respondent(s).

**Notice of Interviews, Hearings, or Other Meetings.** The Title IX Coordinator shall provide to any party a written notice of the date, time, location, participants, and purpose of any interview, hearing, or meeting with sufficient time for the party to prepare.

#### 4. Dismissal

The College shall dismiss any formal complaint made under this Policy if at any time it determines that it lacks jurisdiction under Title IX because the conduct alleged in the formal complaint:

- Would not constitute sexual harassment as defined in Section II of this policy, even if proved,
- Did not occur in the College's education program or activity; or
- Did not occur against a person in the United States.

The College, in its sole discretion, may dismiss any formal complaint under this Policy if at any time:

- The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal complaint or any allegations;
- The Respondent is no longer enrolled in or employed by the College; or
- Specific circumstances exist that prevent the College from gathering evidence sufficient to reach a determination as to the formal complaint or allegations. Examples include, but are not limited to, a significant passage of time from the date of the allegation(s) in the complaint to the date the complaint is filed that makes investigation impracticable, or where the Complainant has stopped participating in the process.

Dismissal of a complaint from proceeding under this Policy does not preclude the College from offering supportive measures to any party or from proceeding under any other applicable code of conduct or policy applicable to students and/or employees of the College.

Upon dismissal of any formal complaint under this section, written notice of this dismissal and the reason(s) therefor will be provided simultaneously to Complainant and Respondent.

## 5. Investigation

The Title IX Coordinator shall designate an Investigator to conduct an investigation into any formal complaint. The investigator must be appropriately trained in conducting Title IX investigations, unbiased, and have no conflict of interest in the present case. The investigator serves as a neutral fact-finder, and shall interview both parties, relevant witnesses, and gather and review evidence relevant to the outcome of the complaint.

The burden of proof and the burden of gathering sufficient evidence to reach a determination of responsibility rests with the College and not with the parties. Both parties will have an equal opportunity to present witnesses, including fact and expert witnesses, and other evidence (both inculpatory and exculpatory) to the Investigator. Neither party will be restricted in their ability to discuss the allegations or to gather and present relevant evidence; provided, however, that such communications shall not constitute harassment or retaliation against any party.

The Investigator will evaluate all relevant evidence, both inculpatory and exculpatory, and will not make credibility determinations based solely on a person's status as complainant, respondent or witness.

The Investigator will only access, consider, disclose, or otherwise use a party's treatment records made or maintained by a health care provider, or other records protected under a legally recognized privilege, if the party provides the Investigator with voluntary, written consent to do so.

Prior to completion of the Investigative Report, the Investigator will provide each party with copies of any evidence obtained by the Investigator that is directly related to the allegations in the complaint. Both parties will have ten (10) calendar days to submit a written response to the evidence to the Investigator. The College may require both parties to enter into a non-disclosure agreement prohibiting the use or dissemination of evidence for any purpose other than those directly related to the parties' participation in the Title IX grievance process.

## 6. Investigative Report

After conducting the investigation, the investigator will complete an investigative report that summarizes all relevant evidence, including statements and interviews with the parties and any witnesses, and any documents, records, photographs, recordings, or other evidence obtained by the investigator.

The investigative report will be distributed simultaneously to Complainant and Respondent at least ten (10) calendar days prior to a Hearing to determine responsibility.

#### 7. Respondent Elects to Accept Responsibility.

If the Respondent admits responsibility for the alleged sexual harassment, the Investigator will document this admission and any other relevant findings and refer the matter to the Hearing Panel, who will hold a hearing for the limited purpose of issuing appropriate sanctions in response to the admitted conduct.

#### 8. Conduct of the Hearing

Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in these proceedings. The Hearing Panel will follow such procedures and rules as may be necessary to promote a fair, impartial, respectful, and efficient hearing process, including by following hearing procedures for other types of hearings conducted by the College in response to alleged student or employee misconduct (See “College Hearing Panel Procedures” in ECC and MCC student handbooks). To the extent that these other procedures are inconsistent with the rights granted to students and employees under Title IX as set forth in this Policy, the provisions of this Policy shall govern unless otherwise provided by federal or state law.

The Hearing Panel will not require, allow, rely upon, or otherwise use questions or evidence that constitute or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.

Each party shall be represented during the live hearing by an advisor of their choice. If a party does not have an advisor, an advisor of the College’s choice will be provided to conduct cross-examination.

Each party’s advisor shall be permitted to conduct cross-examination of the other party and any witnesses, including all relevant questions and follow-up questions, including those challenging the credibility of the party or witness. Cross-examination will be conducted directly, orally, and in real time during the hearing. Under no circumstances will any party be allowed to conduct cross-examination personally.

All procedural questions, including the decision to accept evidence and/or statements, will be made by the Hearing Panel chair, in his or her sole discretion.

The Hearing Panel will determine the relevance of any cross-examination question before it is answered. Questions or evidence about a Complainant’s sexual predisposition or prior sexual behavior are not relevant and shall be excluded, other than to establish that someone other than the Respondent committed the conduct

alleged by Complainant, or if the questions concern specific incidents between Complainant and Respondent and are offered to provide consent.

If any party or witness does not submit to cross-examination during the hearing, the Hearing Panel will not rely on any statement of that party or witness in reaching a determination of responsibility. The Hearing Panel cannot draw an inference about responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions.

A recording or transcript will be made of the hearing and will be available to the parties for inspection and review.

At the request of either party, the hearing will be conducted with parties in separate rooms with technology enabling the decision-makers and parties to simultaneously see and hear the witness answering questions.

#### 9. Standard of Proof

The determination of whether or not a violation of this Policy occurred will be made on the basis of whether it is more likely than not that the Respondent violated this Policy. This standard is more formally referred to as the "preponderance of evidence" standard. In making its determination, the Board will carefully consider all evidence presented and follow the procedures stated in this Policy and any other applicable sections of College policy, procedure, rule, or handbook provision in order to ensure as fair a hearing as possible for all parties.

#### 10. Sanction

Sanctions and remedies will be determined on a case-by-case basis by the Hearing Panel. The Hearing Panel may impose or recommend any sanction that it finds to be fair and proportionate to the violation, including suspension or expulsion of a student or termination of an employee's employment. Remedy may include, but is not limited to, offers of counseling or any other supportive measure.

Possible Disciplinary Actions for Students (per Student Handbook)

1. Warning
2. Disciplinary counseling and/or referral to appropriate drug/alcohol treatment program or law enforcement agencies
  - a. Individual counseling
  - b. Disciplinary counseling on a group basis
3. Withholding of transcript or degree and/or loss of financial aid/scholarships
4. Probation
5. Expulsion/Suspension

- a. Expulsion
  - b. Definite suspension
  - c. Indefinite suspension
  - d. Temporary suspension
6. More than one (1) of the sanctions listed above may be imposed for any single violation.

## 11. Written Decision

Within ten (10) business days of completing the hearing, the Hearing Panel will issue a written determination regarding responsibility, which shall be determined by a preponderance of the evidence. The written determination will include:

- Identification of the allegations;
- A description of the procedural steps taken from the receipt of the formal complaint through the determination, including notifications to the parties, interviews, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact;
- Conclusions regarding the application of the College's code of conduct to the facts;
- A statement of and rationale for the decision-maker(s) determination regarding responsibility for each allegation;
- A statement of and rationale for any disciplinary sanctions that will be imposed on Respondent, if applicable;
- A statement of and rationale for any remedies the College will provide to restore or preserve Complainant's access to the College's program or activity, if applicable; and
- A statement of the College's appeal policy and procedures.

The Title IX Coordinator or his/her designee will provide the written determination to the parties simultaneously. The decision shall be final five (5) business days after delivery of the written determination, if no appeal is filed.

## 12. Appeals

Within five (5) calendar days of delivery of the written decision to them, either party may appeal the dismissal of a formal complaint, or the Hearing Panel's written decision and/or any sanction imposed by the Hearing Panel. Such appeals will be in writing and will be delivered to the Title IX Coordinator (or designee)--see Section II page 1-2 for contact information. The Appeal Decision-Maker (or designee) will determine if the written decision will be stayed pending the outcome of the appellate decision. Appeals will be limited to any of the following bases:

- A procedural irregularity that affected the outcome of the matter;
- New evidence that was not reasonably available at the time the written decision was issued that could affect the outcome of the matter; or
- The Title IX Coordinator, Investigator(s), or Decision-Maker had a conflict of interest or bias that affected the outcome of the matter.

The Title IX Coordinator (or designee) will notify both parties in writing if an appeal is received alleging one of the bases for appeal above. Both parties will be given an opportunity to submit a written statement in support of, or challenging, the written decision. The parties' written statements must be submitted within five (5) calendar days of notice of the appeal.

Except as required to explain the basis of new information, an appeal will be limited to a review of the written record of the investigation, hearing record, the Hearing Panel's written decision, and the parties' written statements on appeal.

The Appeal Decision-Maker (or designee) may affirm, reverse, or modify written decision and/or sanctions imposed, or may remand to the Investigator or Decision-Maker for further review. A written decision will be issued simultaneously to the parties describing the result of the appeal and the rationale therefor. The written appeal decision of the Appeal Decision-Maker (or designee) is the final decision of the College regarding responsibility.

All parties will be informed of the results of the appeal decision as promptly as possible.

### ***Complainant Does Not Wish to Pursue Resolution or Requests Confidentiality***

If the Complainant does not wish to pursue formal or informal resolution and/or requests that the report remains confidential, the Title IX Coordinator or designee will inform the Complainant that the College's ability to respond may be limited. The Title IX Coordinator may weigh the Complainant's request against the following factors:

- The seriousness of the alleged sexual misconduct,
- Whether there have been other complainants of sexual misconduct against the same Respondent, and
- The Respondent's right to receive information about the allegations, including the name of the complainant.

The Title IX Coordinator will only initiate a formal complaint against the wishes of the Complainant where it is not clearly unreasonable to do so, based on known circumstances (including the potential impact to the College community if the allegations

were true). The Title IX Coordinator or designee will inform the Complainant if the College cannot ensure confidentiality.

### **Convicted Sex Offender Registration Laws**

Iowa law requires a person who has been convicted of certain sex offense crimes to register with the sheriff in the county in which the person resides. In addition, if the person attends or works at an institution of higher education, the individual is required to register with the sheriff in the county in which the institution is located. Community members wanting information regarding a person in the state of Iowa who have been convicted of a sex offense crime may visit [www.iowasexoffender.com](http://www.iowasexoffender.com). Individual students who pose a danger to themselves and/or other residents may not be eligible to live in campus housing.

## IVCCD Annual Security Report (2022 data) – MCC and ECC

MCC OFFENSE	CAMPUS			RESIDENTIAL			PUBLIC			3 YEAR TOTAL (campu s + public)
	2020	2021	2022	2020	2021	2022	2020	2021	2022	
Murder, Manslaughter	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Rape	1	0	0	0	0	0	0	0	0	1
Fondling	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0
Aggrav. Assault	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests/ Tickets	0	0	0	0	0	0	0	0	0	0
Liquor Disciplinary	8	13	22	8	13	22	0	0	0	43
Drug Law Arrests/ Tickets	0	0	0	0	0	0	0	0	0	0
Drug Disciplinary	1	0	0	1	0	0	0	0	0	1
Illegal Weapons Arrests	0	0	0	0	0	0	0	0	0	0
Weapons Disciplinary	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Race	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Gender	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Gender Identity	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Religion	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Sexual Orientation	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Ethnicity	0	0	0	0	0	0	0	0	0	0

MCC OFFENSE	CAMPUS			RESIDENTIAL			PUBLIC			3 YEAR TOTAL
	2020	2021	2022	2020	2021	2022	2020	2021	2022	(campus + public)
Hate Crimes—National Origin	0	0	0	0	0	0	0	0	0	0
Hate Crimes—Disability	0	0	0	0	0	0	0	0	0	0
Hate Crimes—Murder/Mansl.	0	0	0	0	0	0	0	0	0	0
Hate Crimes—Rape	0	0	0	0	0	0	0	0	0	0
Hate Crimes—Fondling	0	0	0	0	0	0	0	0	0	0
Hate Crimes—Incest	0	0	0	0	0	0	0	0	0	0
Hate Crimes—Statutory Rape	0	0	0	0	0	0	0	0	0	0
Hate Crimes—Robbery	0	0	0	0	0	0	0	0	0	0
Hate Crimes—Aggrav. Assault	0	0	0	0	0	0	0	0	0	0
Hate Crimes—Burglary	0	0	0	0	0	0	0	0	0	0
Hate Crimes—Motor Vehicle	0	0	0	0	0	0	0	0	0	0
Hate Crimes—Arson	0	0	0	0	0	0	0	0	0	0
Hate Crimes—Simple Assault	0	0	0	0	0	0	0	0	0	0
Larceny—theft	0	0	0	0	0	0	0	0	0	0
Hate Crimes—Intimidation	0	0	0	0	0	0	0	0	0	0
Hate Crimes—Destruct. Damage	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0
Totals MCC	10	13	22	9	13	22	0	0	0	45

ECC OFFENSE	CAMPUS			RESIDENTIAL			PUBLIC			3 YEAR TOTAL
	2020	2021	2022	2020	2021	2022	2020	2021	2022	(campus + public)
Murder, Manslaughter	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0
Rape	0	1	1	0	1	1	0	0	0	2
Fondling	1	0	1	1	0	1	0	0	0	2
Incest	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	
Burglary	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0
Liquor Disciplinary	28	11	5	28	11	5	0	0	0	44
Drug Law Arrests	0	0	0	0	0	0	0	0	0	0
Drug Disciplinary	12	10	8	12	10	8	0	0	0	30
Illegal Weapons Arrests	0	0	0	0	0	0	0	0	0	0
Weapons Disciplinary	0	2	1	0	2	1	0	0	0	3
Hate Crimes—Race	0	0	0	0	0	0	0	0	0	0
Hate Crimes—Gender	0	0	0	0	0	0	0	0	0	0
Hate Crimes—Gender Identity	0	0	0	0	0	0	0	0	0	0
Hate Crimes—Religion	0	0	0	0	0	0	0	0	0	0
Hate Crimes—Sex. Orientation	0	0	0	0	0	0	0	0	0	0

ECC OFFENSE	CAMPUS			RESIDENTIAL			PUBLIC			3 YEAR TOTAL
	2020	2021	2022	2020	2021	2022	2020	2021	2022	(campus + public)
Hate Crimes— Ethnicity	0	0	0	0	0	0	0	0	0	0
Hate Crimes— National Origin	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Disability	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Murder/Mansl.	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Rape	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Fondling	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Incest	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Statutory Rape	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Robbery	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Aggravated Assault	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Burglary	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Motor Vehicle	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Arson	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Simple Assault	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Larceny/Theft	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Intimidation	0	0	0	0	0	0	0	0	0	0
Hate Crimes— Destruct. Damage	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	1	0	0	0	0	0	0	1

ECC OFFENSE	CAMPUS			RESIDENTIAL			PUBLIC			3 YEAR TOTAL
	2020	2021	2022	2020	2021	2022	2020	2021	2022	(campus + public)
Stalking	0	0	0	0	0	0	0	0	0	0
Totals ECC	41	24	17	41	24	17	0	0	0	82

## Campus Fire Safety Annual Compliance Report

The Higher Education Opportunity Act (HEOA) became Public Law 110–315 in August 2008, requiring all institutions of higher education that provide residential housing facilities for students to develop an annual fire safety report. Contents of this report reflect the requirements outlined in HEOA, which are included in the Iowa Valley Community College District campus fire safety program.

### **Program Objectives**

It is the policy of Iowa Valley Community College District to endeavor through astute observation and established industry practices to promote safe environmental conditions for visitors, staff, faculty, and students that are free from foreseeable fire hazards. The primary objective of the campus fire safety program is to recognize hazardous conditions and take appropriate action before such conditions result in a fire emergency.

The goal is accomplished by:

- Conducting periodic review and update of fire prevention policies.
- Conducting fire drills in our housing facilities.
- Promote fire safety awareness by conducting training programs on fire prevention.
- Inspecting, testing, and maintaining fire protection systems.

### **Fire Prevention Policies & Procedures**

Several fire prevention policies and procedures have been developed and implemented in an effort to complement the program objectives. Iowa Valley houses students in three housing facilities on the Marshalltown Community College campus and four housing facilities on the Ellsworth Community College campus.

### **A Summary of Fire Prevention Policies & Procedures**

**Open Flames** – Due to fire safety concerns, all candles are prohibited in housing facilities. Open flames, burning incense and smoking are prohibited.

**Overloading Outlets** – Overloading outlets is dangerous. The circuit strains when it feeds the extra plugs that in turn cause conductors, plugs and receptacles to overheat. This may lead to melting wires and could start a fire.

**Fuel and Fuel Powered Equipment** – Fuel powered equipment is prohibited in housing facilities. This includes the storage of generators, mopeds, and motorcycles. Bottles of gas and flammable fuels are strictly prohibited.

**Holiday Decorations** – Christmas trees are strictly prohibited as they are a fire hazard.

**Grills** – Electric, gas, smokers or charcoal grills are not allowed in on-campus housing. Residents found with grills will be subject to an administrative fee and disciplinary action.

**Fire Safety Equipment** – Residents' proper response to fire alarms is required. At the sound of a fire alarm, residents and their guests must evacuate the building. Individuals may re-enter the building only upon receiving permission from the housing staff. Tampering with smoke/heat detectors, fire extinguishers, emergency lights, sprinklers, valves, or any other fire safety equipment is expressly prohibited. Hanging items from sprinkler heads could cause floods and significant damage to personal and College property. Anyone involved in initiating a false alarm, inappropriately discharging a fire extinguisher, or tampering with any fire safety equipment will face severe disciplinary action.

### ***Tobacco Policy***

Iowa Valley Community College District is committed to providing a safe and healthy environment for its employees, students and visitors. In light of the Iowa Legislature's passage of The Smoke-Free Air Act 18 (H.F. 2212) and findings of the U.S. Surgeon General that use of tobacco is a contributing factor to significant health hazards; it is the intent of the IVCCD Board to establish a tobacco-free environment. Effective July 1, 2008, no consumption of tobacco is allowed on any College property, in any College facility, or at any College function. For the purpose of this policy, "tobacco" is defined to include any lit or unlit cigarette, cigar, pipe, clove cigarette, e-cigarette, other smoking products or any alternative smoking devices; and smokeless or spit tobacco, also known as dip, chew, snuff or snus, in any form.

Tobacco is prohibited in any College owned or operated buildings and residences, including offices, hallways, and foyers.

Tobacco is prohibited in vehicles owned or leased by the College.

Tobacco is prohibited in the following campus locations:

- Building entrances, operable windows, and fresh air intake.
- Gathering areas such as patios, gardens, and courtyards designated as a non-smoking areas.
- Outdoor events, activities, and assemblies.
- Outdoor eating events.
- Any vehicle located in any parking lot.

## ***Fire Safety Education & Training Initiatives***

Members of the Residence Life staff receive fire safety training prior to the start of every fall semester. Topics include a review of the fire prevention policies, weather safety, and emergency evacuation procedures. Fire drills are conducted each semester with the coordination of the Plant Services Department.

### **Fire Evacuation Procedures**

A fire extinguisher is in each apartment as well as on each hallway in the ECC and MCC student housing units. It is the residents' responsibility to know where it is located and how to use it. In case the fire cannot be controlled by the fire extinguisher:

- Evacuate the building and immediately call 9-1-1.
- Notify Residence Life staff immediately.
- Notify residents in the neighboring units/rooms by knocking on doors on your way out of the building.
- Residents and their guests are required to evacuate the building when fire alarms sound.
- Residents and guests will not be allowed to re-enter the building until directed to do so by the Residence Life staff.

### **Mandatory Supervised Fire Drills**

MCC and ECC's Residence Life Department conducts two mandatory fire drills per calendar year. The fire evacuation drills are supervised by the Plant Services Department. The fire evacuation drills for the MCC and ECC housing units are conducted by activating each individual fire alarm system in housing facility.

### **Fire Safety Policies**

Iowa Valley's fire safety regulations are intended to prevent injuries to members of the College community and physical damage to facilities. Rooms are inspected periodically, at random times, to assure compliance with College regulations. Because of the seriousness of the regulations that cover fire safety, IVCCD takes disciplinary action on the first offense. Such actions may include the imposition of a fine by the Residence Life Department. The College has the right, moreover, to require students who violate these safety rules to vacate their accommodations with no financial credit for the remainder of the semester.

### **Fire Evacuation**

Fire evacuation practices will be held once per semester. All residents must vacate the building upon hearing the alarm, and not re-enter until an ALL CLEAR is given by staff. Failure to cooperate in evacuation of the building is a violation of state law, and violators may be prosecuted and/or fined. If a fire alarm sounds, it is critically important for evacuation to occur quickly and safely. Your safety is of the utmost importance to the Residence staff. As a residential student, you are a member of a community that truly cares for your well-being. During a fire situation, it is important to stay calm and exit the building in an orderly fashion. It is essential that you evacuate the building and relocate in the parking lots away from the building.

### On-Campus Student Housing Fire Safety Systems

IVCCD has a total of seven on-campus student housing facilities. They are equipped with fire detection systems, including smoke detectors, pull box stations, fire sprinklers, and fire extinguishers in hallways. The fire safety systems report to Plant Services.

### Plans for Future Improvements in Fire Safety:

Iowa Valley continues to evaluate the fire protection system in residential facilities to ensure the safety of our students, employees, and facilities. Upgrades to the system occur through replacements or building renovations. Current planning and education include:

- Collaboration with our campus safety committees and local Fire Departments to review and enhance all fire safety policies and procedures.
- Annual facilities inspection and review with local fire marshal.
- Review best practices to improve fire safety awareness and training programs.
- Continue to examine which halls need upgraded equipment and fire safety technology during Housing Master Facilities planning.

### IVCCD Fire Safety Statistics (2022 data) – MCC and ECC

Housing Year	MCC			ECC		
	2020	2021	2022	2020	2021	2022
Number of Fires	0	0	0	1	0	0
Cause of Fire	--	--	--	Washer Overload		
Number of Injuries	0	0	0	0	0	0
Number of Deaths	0	0	0	0	0	0
Property Damage	\$0	\$0	\$0	\$0	\$0	\$0

### Reporting fires on-campus (for inclusion in annual statistics)

If a fire event occurs on-campus, it should be reported to the following areas (to ensure follow-up and inclusion in the annual Fire Safety Statistics):

Dean of Students

MCC 641-844-5743 or Room 115

ECC 641-648-8519 or GSC Room 233

Grinnell 641-269-2202 or Room 102 (Stop at front desk for help)