



## **TITLE IX POLICY STATEMENT- (VAWA- Violence Against Women Act)**

(Also included in our LJIC ASR)

### **Non- Discrimination Policy**

Title IX of the Education Amendments of 1972 ("Title IX") protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

The purpose of this policy is to ensure that the Institution's policies are applied and interpreted in ways consistent with Title IX and other applicable law. Institutions that receive federal assistance from the Department of Education must operate in a nondiscriminatory manner.

La' James International College recognizes the inherent dignity of all people and is committed to providing an educational and work environment that is free from sexual misconduct and harassment in any form including, but not limited to, sex or gender discrimination, including sexual misconduct such as sexual harassment and sexual assault, stalking, and domestic and dating violence. These behaviors are harmful to the well-being of our community members, the learning/working environment, and relationships among our students, faculty, and staff. All forms of prohibited conduct under this policy are regarded as serious offenses, and violations will result in discipline, including the possibility of termination from school/employment.

In accordance with Title IX of the Education Amendments of 1972, LJIC does not discriminate on the basis of and prohibits discrimination and harassment based upon sex/gender, race, color, creed, sexual orientation, national origin, ethnic origin, citizenship, marital status, gender identity, gender expression, genetic information, veteran status, disability, age, religion or any other status to the extent prohibited by law.

### **Title IX- Violence Against Women Act Policy-**

La' James International College is committed to providing a work and educational environment free of sexual harassment, including sexual violence, and to full compliance with Title IX of the Education Amendments Act of 1972 and other federal and state laws governing such conduct. LJIC's policy prohibits harassment or discrimination based on race, religion, creed, color, national origin, ancestry, sex (including pregnancy, childbirth or related medical conditions), military or veteran status, physical or mental disability, medical condition, marital status, age, sexual orientation, gender, gender identity or expression, genetic information or any other basis protected by the federal, state or local law.



The following individuals have been designated as the Title IX Coordinator, Investigators, and Decision Makers by La' James International College to receive and respond to information related to this Title IX policy.

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The Title IX Coordinator is responsible for implementing the Institute's Title IX policy, receiving and coordinating investigation information and providing supportive measures along with maintaining accurate Clery Act crime statistics.

Any person can report sex discrimination, including Sexual Harassment (whether or not the person reporting is the alleged victim) in person, by mail, telephone, or e-mail, using the contact information listed above for the Title IX Coordinator. A report can be made at any time, including during non- business hours. However, responses to reports made outside of business hours, including during weekends and holidays, may be delayed.

Key Definitions:

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

1. An employee of the college conditioning educational benefits or participation on an individual's participation in unwelcome sexual conduct (i.e. quid pro quo);
2. Unwelcome conduct that a reasonable person would determine is so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the college's education Program or Activity; or
3. Sexual Assault (as defined in the Clery Act), or Dating Violence, Domestic Violence or Stalking as defined in the Violence Against Women Act (VAWA) (collectively referred to as "Sexual Violence")\*:

- **Sexual Assault:** As defined in 20 U.S.C. 1092(f)(6)(A)(v), means an offense classified as forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation<sup>1</sup>.
- **Dating Violence:** As defined in 34 U.S.C. 12291(a)(10), means violence committed by a person (A) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and, the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence:** As defined in 34 U.S.C. 12291(a)(8), includes felony or misdemeanor crimes 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 cohabitating with or has cohabitated 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 jurisdiction receiving grant monies, 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 jurisdiction.



- **Stalking:** As defined in 34 U.S.C. 12291(a)(30), means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: (A) fear for his or her safety or the safety of others; or (B) suffer substantial emotional distress.

\* Please note: In accordance with the Violence Against Women Reauthorization Act of 2013 ("VAWA"), state definitions for Sexual Assault, Dating Violence, Domestic Violence, Stalking and Consent are contained in this policy and in the Institute's Annual Safety and Security Report ("ASR"). VAWA crimes are reported in the ASR based on the definitions above.

- **Consent:** informed, voluntary, revocable. Consent is an affirmative, unambiguous, and conscious decision by each participant to engage in mutually agreed-upon sexual activity. It must be given without coercion, force, threats or intimidation. Consent must be ongoing throughout a sexual encounter and can be revoked at any time. Once consent is withdrawn, the sexual activity must stop immediately.

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute Sexual Harassment, regardless of whether a Formal Complaint has been filed. A Complainant must be the alleged victim unless a parent or legal guardian has a legal right to act on the alleged victim's behalf.

**Respondent:** An individual who has been reported to be the perpetrator of conduct that could constitute Sexual Harassment.

**Parties:** include the Complainant(s) and Respondent(s) collectively.

**Advisor:** An individual chosen by a party to accompany the party to meetings related to the resolution process, to advise the party on that process and to conduct cross-examination for the party at any hearing, if any. If a party does not have an Advisor at the hearing portion of the Grievance Process, the Institute will appoint an advisor.

**Formal Complaint:** A document (hardcopy or electronic) filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that the Institute investigate. A Formal Complaint must be signed (physical or digital) by the Complainant, the Title IX Coordinator, or otherwise indicate that the Complainant is the person filing the Formal Complaint. At the time of filing a Formal Complaint, the Complainant must be participating in or attempting to participate in the Institute's education Program or Activity with which the Formal Complaint is filed.

**Program or Activity:** On or off campus locations, events, or circumstances over which the College exercises substantial control over both the Respondent and the context in which the Sexual Harassment occurred.

**Mandatory Reporter:** Designated College employees who must share knowledge, notice and/or reports of Sexual Harassment, discrimination and/or retaliation with the Title IX Coordinator.

**Discretionary Reporter:** Designated College employees who may, with the Complainant's consent,



report instances to the Title IX Coordinator.

**Clery Act:** Meaning the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (20 U.S.C. Section 1092(f); 34 C.F.R. Part 668.46). In accordance with the Clery Act, the Institute publishes required crime statistics and policy statements in its Annual Safety and Security Report (ASR) on or before October 1<sup>st</sup> of each year. (Due to the COVID 19 Pandemic, and additional regulatory flexibilities 2020 ASR will be published and distributed on or before 12/31/2020.) The Institute's most recent ASR is located on our website at the following link:

[Clery Act Disclosure](#)

**Clery Geography:** As defined in the Clery Act, includes (A) buildings and property that are part of the college's campus; (B) the college's non-campus buildings and property; and (C) public property within or immediately adjacent to and accessible from the campus.

**VAWA:** Meaning the Violence Against Women Act (34 CFR Part 668).

**Unwelcome Conduct**

Conduct is unwelcome if a person (1) did not request or invite it and (2) regarded the unrequested or uninvited conduct as undesirable or offensive. That a person welcomes some sexual contact does not necessarily mean that person welcomes other sexual contact. Similarly, that a person willingly participates in conduct on one occasion does not necessarily mean that the same conduct is welcome on a subsequent occasion.

**Gender-Based Harassment**

Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the College's education work programs or activities. For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity also may violate this policy.

**Prohibited Conduct**

La' James International College enforcing this policy strictly prohibits sexual or other unlawful harassment as described below, or discrimination including sexual violence as defined above, or violence of any nature.

Unlawful harassment or discrimination may include racial epithets, slurs and derogatory remarks, stereotypes, jokes, posters, or cartoons based on race, national origin, age, disability, marital status or other legally protected categories.



Sexual harassments is conduct based on sex, whether directed toward a person of the opposite or same sex, and may include explicit sexual propositions, sexual innuendo, suggestive comments, sexually oriented "kidding" or "teasing", practical jokes, jokes about or such to display obscene printed or visual material, questions about sexual fantasies, preferences or history, and physical contact such as patting, pinching, or intentionally brushing up against another person's body.

Gender-based harassment is verbal, nonverbal, graphic, or physical aggression, intimidation, or hostile conduct based on sex, sex-stereotyping, sexual orientation or gender identity, but not involving conduct of a sexual nature, when such conduct is sufficiently severe, persistent, or pervasive that it interferes with or limits a person's ability to participate in or benefit from the College's education programs or activities. For example, persistent disparagement of a person based on a perceived lack of stereotypical masculinity or femininity or exclusion from an activity based on sexual orientation or gender identity.

### **Procedure for Reporting**

If you believe that you have experienced or witnessed Sexual Harassment, discrimination, or retaliation, LJIC encourages you to notify your College Administrator or Title IX Coordinator as soon as possible after the incident. A report may be made to either or both the police and the Title IX Coordinator. The criminal process is separate from the college's Title IX Grievance Process.

In order to make informed choices, it is important to be aware of confidentiality and reporting requirements when consulting college resources.

College Administrators have been designated by LJIC as Mandatory Reporters/ Investigators who will gather facts, interview parties or witnesses, share knowledge, notice, and/or reports of Sexual Harassment, discrimination and/or retaliation with the Title IX Coordinator.

An individual who seeks completely confidential assistance may do so by speaking with professionals who have legally protected confidentiality. The college does not have confidential reporting resources, such as pastoral or professional counselors on campus. Crisis, mental health, and victim resource hotline information is available from the College Administrators and also posted in the college.

LJIC will keep confidential the identity of the complainant, respondent, and witnesses, except as may be permitted by FERPA, as required by law, or as necessary to carry out the Title IX Grievance Process.

There is no time limit on providing notice/complaints to the Title IX Coordinator. However, if significant time has passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

### **Dismissal of a Formal Complaint**

Dismissal of a Formal Complaint may occur under several Circumstances. LJIC must dismiss a formal complaint if the allegations do not meet the definition of Sexual Harassment, did not occur on the college's campus or sponsored educational activity, or did not occur against a person in the United



States.

The college may dismiss a Formal Complaint if the Complainant informs the Title IX Coordinator in writing, that he, she, or they withdraw the Formal Complaint or allegations therein; the Respondent is no longer enrolled or employed by the college; or if specific circumstances prevent the institute from gathering sufficient evidence to reach a determination.

If the Title IX coordinator receives multiple informal complaints of harassment against a single (same) respondent, they will not be required to begin a formal complaint process.

If a Formal Complaint is dismissed, the Parties will be provided written notice of the dismissal outlining the explanation for dismissal. A dismissal does not prevent action by the college under Conduct Policy.

### **Grievance Process**

Generally, the Grievance Process consists of a Formal Complaint, Investigation, Live Hearing, Determination, Disciplinary Actions, Remedies, and Appeal (if applicable). The Grievance Process, without extenuating circumstances will conclude within 90 days from the date the Formal Complaint is filed.

In exceptional circumstances, (including but not limited to especially complex cases or when the college is not in session), it may be necessary to extend the conclusion timeline. If that occurs, both parties will be informed of the extended time for conclusion.

LJIC utilizes a prompt, equitable and impartial Grievance Process to evaluate Formal Complaints. Title IX personnel (Title IX Coordinator, Investigators, Decision-Makers) will be free from conflicts of interest or bias for or against Complainants or Respondents.

The college will make every effort to handle complaints and investigations with sensitivity to both the rights of the person who complains and the rights of the accused.

### **Investigation of Formal Complaints- Resolutions- Hearings**

The college will conduct an investigation of Sexual Harassment allegations by a Formal Complaint filed by a Complainant, as appropriate under circumstances. Respect will be made to the Complainant's wishes as to whether the college investigates an allegation of Sexual Harassment unless the Title IX Coordinator determines that not investigating would be deliberately indifferent or harmful to the college campus community.

A complaint that a student, faculty member, or staff has committed sexual harassment or engaged in nonconsensual sexual activity may be made to the Title IX Compliance Officer, College Administrator, faculty member, or staff member. The college will conduct an investigation, as appropriate under the circumstances.

The investigative process involves interviewing the parties involved and any witnesses while gathering documentary or other evidence. In cases involving alleged criminal conduct, the complainant may file a



criminal complaint with the local police department.

Based on the outcome of the investigation, the Title IX Officer will determine if there is sufficient cause to proceed with the complaint. If so, the Title IX Officer will arrange for an informal resolution conference with the accused. (Complainants do not attend informal resolution meetings but are apprised of the meeting's outcome.) If the accused does not accept responsibility for the allegations and/or the proposed sanction, the Title IX Officer or their designee will determine if the evidence warrants a formal hearing.

Evidence related to allegations will be provided to parties and advisors at least 10 days prior to requiring a response. Parties are not prohibited from speaking about the allegations.

The exact nature of the responsive action depends on the circumstances and may include discipline up to and including suspension or dismissal from the Institution for a student, staff or faculty who is found to have violated college policies.

La' James International College handles complaints discreetly and attempts to maintain privacy throughout the investigative process, to the extent practicable and appropriate under the circumstances. However, in order to conduct an investigation, it is generally necessary to discuss the allegations with the accused and other potential witnesses. Additionally, the institution may have legal obligations to disclose information to law enforcement or in the context of legal proceedings.

Complaints may be made anonymously. While the college endeavors to investigate all complaints, including anonymous complaints, the nature of anonymous complaints makes investigation, determination, and remediation more difficult and, at times, impossible. Further, while the Institution attempts to protect the identity of complainants who do not wish to be identified, this may not always be possible.

In appropriate cases as determined by the college, conflict resolution may be possible. This is permitted only where both the complainant and accused voluntarily agree to participate, and either party may terminate informal resolution attempts and commence formal grievance procedures at any time prior to reaching a mutually acceptable resolution. Depending on the circumstances, a mediated resolution may not necessarily involve face-to-face discussions between the complainant and the accused. Certain cases are not appropriate for conflict resolution, such as complaints of particularly egregious sexual harassment or cases involving sexual assault or violence.

Occasionally, an individual makes a complaint and later wishes to revoke or discontinue the investigation or adjudication process. Similarly, it may occur that someone other than the victim reports an incident, and the victim declines to participate in the investigation or adjudication process. In other instances, complaints may be received anonymously and/or the victim may not wish to be personally identified. The Institution endeavors to respect the wishes of a victim to either not be identified and/or not participate in the process. In these situations, the college attempts to investigate and address complaints in accordance with the victim's wishes.

If a victim wishes to talk about an incident with the assurance that the discussion will be confidential and





will not result in an investigation or follow up action, the college offers confidential resources that does not result in a complaint being filed with the institution or result in action being taken by the institution.

If a Formal Complaint is not or cannot be resolved through Informal Resolution, the Institute will conduct a hearing either live or virtually. Hearings are facilitated by a designated Decision-Maker, separate from the Title IX Coordinator or Reporter/ Investigator. The Decision Maker will be selected by the Title IX Coordinator. Both parties may have an advisor present at the hearing. Cross-examination of the complaining and responding parties as well as any witnesses, during a live hearing led by college officials. Cross examination will be conducted by advisors of parties, including legal counsel, but not by the parties themselves.

For all Formal Complaints of Sexual Harassment (including where employees are Respondents), LJIC utilizes the preponderance of the evidence standard, meaning the Institute will evaluate whether it is "more likely than not" that the alleged conduct occurred.

### **Disciplinary Actions and Remedies**

Disciplinary Actions against Respondents may or may not be imposed before completion of the LJIC's Grievance Process. Following a determination of responsibility, appropriate corrective action will be taken, and the Institute will take steps to prevent recurrence. Disciplinary Actions taken will be determined on a case-by-case basis. Factors considered when determining Disciplinary Action may include but are not limited to: Nature, severity of, and circumstances surrounding the violations(s); Respondent's disciplinary history; Previous allegations or allegations involving similar conduct; Need for disciplinary action to bring an end/prevent future reoccurrence of the violation; Need for disciplinary action to remedy the effects on the Complainant and LJIC and the safety for all; Impact on the parties; Any other information deemed relevant by the Decision-Maker.

Disciplinary Action for student-related claims may include, but are not limited to, additional training, a restriction on contact, warning, suspension, or termination. Failure to abide by imposed Disciplinary Actions (whether by refusal, neglect, or any other reason), may result in additional Disciplinary Action, including suspension or termination. Employees are also subject to processes and discipline determined by the Human Resources Department for acts of Sexual Harassment. The HR process is separate and apart from the Title IX process and not constrained by the outcome of the Title IX process. Individuals who make a materially and intentional false statements during a Title IX Grievance Process will be subject to disciplinary action.

The Decision-Maker will issue a Written Determination of the findings of fact, conclusion of alleged conduct, disciplinary actions as applicable, and any remedies as applicable provided to Complainant.

Both Parties have the right to appeal a determination regarding responsibility, LJIC's dismissal of a Formal Complaint or any allegations therein if: (1) procedural irregularity affected the outcome of the matter; (2) there is newly discovered evidence that could affect the outcome of the matter; and/or (3) Title IX personnel had a conflict of interest or bias, that affected the outcome of the matter. To be considered, an appeal must be submitted in writing to the Title IX Coordinator within 10 days of the delivery of the Written Determination.



### **Retaliation Prohibited**

The college prohibits retaliation against any individual who in good faith makes a complaint of sex discrimination, sexual harassment, or sexual misconduct or participates as a witness in a proceeding under this or any other college policy. Retaliation is also unlawful pursuant to Title IX and other laws. If anyone feels they have been retaliated against, they should notify the Title IX Coordinator.

### **Sexual Assault Prevention**

Campus Sexual Violence Elimination Act of 2013 (SaVE Act) requires schools to educate students, staff, and faculty on the prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. As part of La' James International College's compliance with the SaVE Act requirements for prevention and awareness programs that address the specified areas above, the institution has contact resource information available in the student lab and/or breakroom. These services are from nationally recognized organizations and include awareness and preventive information and may include help hotlines related to these specific topics.

La' James International College attempts to protect members of its campus community, including visitors, from sexual assaults. LJIC strongly encourages the following actions to prevent or protect against sexual assault:

Use of a "Buddy System" when walking to parked cars at night and leaving the building in a group when classes are dismissed

- If an assault occurs, notify the College Administrator immediately
- Do not disturb the crime scene
- Notify local law enforcement officials
- Secure counseling for the victim, or offer a referral to appropriate entities that provide applicable counseling
- Change the academic schedule if victim requests
- Disciplinary actions against the assaulter include dismissal from the School

As part of the effort to provide an environment conducive to the school's mission, the following services relating to sexual assault are provided at La' James International College. The college hosts organizational speakers to enhance awareness of sexual assault and the condition that fosters this offense on school campuses. The school undertakes efforts to safeguard the rights and interest of the survivor and pursues sanctions against the perpetrator(s) of sexual assault. The school official will, upon request, arrange transportation to a hospital for treatment and evidence collection; provide notification to an off-campus support and counseling service; provide assistance in contacting the appropriate law enforcement agency as applicable.

La' James International College does not tolerate sexual assault against any gender, whether committed by a stranger or by an acquaintance. The school attempts to protect members of the school community, including visitors, from sexual assaults and offers any student, faculty or staff member who survives a sexual assault that occurs within the context of the college community, the support necessary to enable them to continue to pursue their academic or career goals.



### **Additional Definitions- Iowa Codes**

**Consent** is defined in as “intelligent, knowing, and voluntary consent and does not include coerced submission. Consent shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender.”

The **Iowa** Age of Consent is 16 years old. In the United States, the age of consent is the minimum age at which an individual is considered legally old enough to consent to participation in sexual activity. Individuals aged 15 or younger in Iowa are not legally able to consent to sexual activity, and such activity may result in prosecution for statutory rape.

Iowa statutory rape law is violated when a person has consensual sexual intercourse with an individual under age 16. A close in age exemption allows teens aged 14 and 15 to consent to partners less than 4 years older. Regardless of age, it is also illegal for a school employee to engage in sexual intercourse with a current student or even a student who attended school within 30 days of such a violation.

#### **Iowa, a person commits the crime of child enticement by:**

- luring or attempting to lure a child the defendant reasonably believes to be under the age of 13 to engage in sexual conduct
- luring or attempting to lure a child the defendant reasonably believes to be under the age of 16 to engage in sexual conduct, or
- luring or attempting to lure a child the defendant reasonably believes to be under the age of 16 to commit any illegal act.

The crime is punished more severely if the child is under the age of 13 and less severely if the defendant merely attempts to lure a child under the age of 16 to commit an illegal act.

The crime is considered to have occurred in Iowa if the child is present in Iowa or the communication originates in **Iowa**.

#### **(Iowa Code § 710.10)**

For example, an adult who arranges to meet with a fifteen-year-old for sex could be convicted of child enticement in Iowa, as could an adult who arranges to meet for sex with a police officer posing as a fifteen-year-old child.

#### **Iowa 728.12 Sexual Exploitation of a Minor**

It shall be unlawful to employ, use, persuade, induce, entice, coerce, solicit, knowingly permit, or otherwise cause or attempt to cause a minor to engage in a prohibited sexual act or in the simulation of a prohibited sexual act. A person must know, or have reason to know, or intend that the act or simulated act may be photographed, filmed, or otherwise preserved in a visual depiction. A person who commits a violation of this subsection commits a class “C” felony. Notwithstanding section 902.9, the court may assess a fine of not more than fifty thousand dollars for each offense under this subsection in addition to imposing any other authorized sentence.

**Sexual Assault** Forcing a sexual act on another person without their consent or because they are vulnerable, otherwise known as sexual assault, is a crime in the state of **Iowa**. A conviction could mean



finances, restitution and even time spent behind bars. If certain factors are present in the case, you could be sentenced to a felony-level crime, which means you'll be sentenced to prison.

Under **Iowa's Code**, sexual assault or rape is referred to as sexual abuse. It can incorporate both inappropriate sexual contact as well as actual penetration or contact between sexual organs. The charge can be enhanced if certain facts are true and can lead to life altering penalties.

### **Definitions for Sexual Assault Under Iowa Law**

It's important you have an understanding of the definition for certain terms before learning about the penalties for sexual assault. Under the **Iowa Code**, a "sex act" is any sexual contact between two or more people that incorporates any of the following:

- Penetration involving genitals or the anus;
- Contact between the mouth and genitalia or the anus;
- Contact between fingers of one person and the genitalia or anus of another;
- Ejaculation on another person; or
- Using artificial sexual organs or substitutes in contact with the anus or genitalia

In **Iowa**, you're considered to have committed "sexual abuse" if you had sexual contact between another person or persons that involved any of the following circumstances:

- The sexual act is committed against the other person's will;
- The other person gave consent after they were procured with threats of violence;
- The act was done under the influence of a drug inducing sleep or in a state of deep unconsciousness such as being extremely inebriated;
- The other person suffered from a mental defect or incapacity which makes them unable to give consent or understand what a sexual act means; or
- The other person involved was a child under the age of 16 years old

### **Domestic Violence**

In **Iowa**, domestic abuse assault offenses are considered serious crimes. As such, if you're convicted, the court can impose a mandatory minimum sentence. The length of the mandatory minimum depends on whether or not you have been convicted of any prior offenses.

**Iowa Code § 708.2A** defines domestic abuse assault as an assaultive offense committed against a family or household member.

The following meet Iowa's definition of assault:

- Engaging in conduct that's intended to cause pain or injury to another person
- An act meant to put an individual in reasonable fear of imminent physical harm
- Pointing a gun or displaying a dangerous weapon at someone else

An assaultive offense becomes domestic abuse when it's committed against a:

- Spouse
- Former spouse
- Person with whom you have a child
- Intimate dating partner



### **Iowa Code §708.11 Stalking**

A person commits stalking when all of the following occur: a. The person purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to feel terrorized, frightened, intimidated, or threatened or to fear that the person intends to cause bodily injury to, or the death of, that specific person or a member of the specific person's immediate family. b. The person has knowledge or should have knowledge that a reasonable person would feel terrorized, frightened, intimidated, or threatened or fear that the person intends to cause bodily injury to, or the death of, that specific person or a member of the specific person's immediate family by the course of conduct

**"Credible threat"** means a verbal or nonverbal threat, or a combination of the two, including threats delivered by electronic communication or implied by a pattern of conduct, which places the person who is the target of the threat in reasonable fear for his or her safety, or the safety of his or her family members or individuals closely associated with the person, and which is made with the apparent ability to carry out the threat to cause such harm. It is not necessary to prove that the person making the threat had the intent to actually carry out the threat. The present incarceration of the person making the threat is not a bar to prosecution under this section.

**"Cyber stalk"** means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication, directed at a specific person, causing substantial emotional distress to that person and serving no legitimate purpose.

A person, who willfully, maliciously, and repeatedly follows, harasses, or cyber stalks another person commits the offense of stalking, a misdemeanor of the first degree, punishable as provided in:

### **Iowa Code §708.7 Harassment**

1. a. A person commits harassment when, with intent to intimidate, annoy, or alarm another person, the person does any of the following:

- Communicates with another by telephone, telegraph, writing, or via electronic communication without legitimate purpose and in a manner likely to cause the other person annoyance or harm.
- Places a simulated explosive or simulated incendiary device in or near a building, vehicle, airplane, railroad engine or railroad car, or boat occupied by another person.
- Orders merchandise or services in the name of another, or to be delivered to another, without the other person's knowledge or consent.
- Reports or causes to be reported false information to a law enforcement authority implicating another in some criminal activity, knowing that the information is false, or reports the alleged occurrence of a criminal act, knowing the act did not occur.
- Disseminates, publishes, distributes, posts, or causes to be disseminated, published, distributed, or posted a photograph or film showing another person in a state of full or partial nudity or engaged in a sex act, knowing that the other person has not consented to the dissemination, publication, distribution, or posting.

b. A person commits harassment when the person, purposefully and without legitimate purpose, has personal contact with another person, with the intent to threaten, intimidate, or alarm that other person.



**Bystander Intervention:** A bystander is someone other than the victim who is present when an act of dating violence, domestic violence, stalking, or sexual assault is occurring or when a situation is occurring in which a reasonable person feels as though some protective action is required to prevent sexual assault, dating violence, domestic violence, or stalking. Bystanders, if active, can prevent harm or intervene before a situation gets worse.

### **Reporting sexual assault, dating violence, domestic violence, or stalking**

After an incident of sexual assault or domestic violence, the victim should consider seeking medical attention as soon as possible at a local hospital that will supply a physical evidence recovery collection kit. **In Iowa**, you have the right to: A free medical examination (Sexual Assault Evidence Exam) whether or not you choose to report the crime to the police that is paid for by the **State of Iowa**. Apply for financial assistance from the [Crime Victim Compensation Program](#) by submitting a [Crime Victim Compensation Application](#).

A victim's name and identifying information will be withheld from the public and press in accordance with the Public Records Law. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence as may be necessary to the proof of criminal activity may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to the Institution's hearing boards/investigators or police. Although the institution strongly encourages all members of its community to report violations to law enforcement, it is the victim's choice whether or not to make such a report, and victims have the right to decline involvement with the police.

The purpose and authority of the institution staff is limited to the enforcement of campus rules and regulation and Campus Security and Safety. Incidents that go beyond this scope are referred and investigated by the Local Police Department.

### **A victim of domestic violence, dating violence, sexual assault or stalking has the following rights:**

1. A law enforcement officer who investigates an alleged sexual battery shall:
  - (a) Assist the victim in obtaining medical treatment, if medical treatment is necessary as a result of the alleged incident, a forensic examination, and advocacy and crisis-intervention services from a certified rape crisis center and provide or arrange for transportation to the appropriate facility.
  - (b) Advise the victim that he or she may contact a certified rape crisis center from which the victim may receive services.
  - (c) Prior to submitting a final report, permit the victim to review the final report and provide a statement as to the accuracy of the final report.
2. The law enforcement officer shall give the victim immediate notice of the legal rights and remedies available to a victim on a standard form developed and distributed in conjunction with the



Department  
of Law Enforcement. The notice will include the resource listing, including telephone number, for the  
area certified rape crisis center as designated by the State.

**A person who is the victim of sexual violence or the parent or legal guardian of a minor child who is living at home who is the victim of sexual violence has standing in the circuit court to file a sworn petition for an injunction for protection against sexual violence on his or her own behalf, or on behalf of the minor child if:**

1. The person has reported the sexual violence to a law enforcement agency and is cooperating in any criminal proceeding against the respondent, regardless of whether criminal charges based on the sexual violence have been filed, reduced, or dismissed by the state attorney; or
2. The respondent who committed the sexual violence against the victim or minor child was sentenced to a term of imprisonment in state prison for the sexual violence and the respondent's term of imprisonment has expired or is due to expire within 90 days following the date the petition is filed.

Further, La' James International College complies with State law in recognizing orders of protection for dating violence, domestic violence, repeat violence, and sexual violence. Any person who obtains an order of protection from the State or any reciprocal state should provide a copy to the Title IX Coordinator and / or College Administrator. A petitioner should then meet with Title IX Coordinator and/ or College Administrator to develop a Safety Action Plan, which is a plan to reduce risk of harm while on campus or coming and going from campus. This plan may include, but is not limited to: escorts, special parking arrangements, or other measures to assist the petitioner.

A victim has the option of filing a restraining order and should follow the directives from their local Law Enforcement for details.

To the extent of the victim's cooperation and consent, all Institutional offices will work cooperatively to ensure that the petitioner's health; physical safety, work and academic status are protected, pending the outcome of a formal Institution investigation of the complaint. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. The Institution does not publish the name of crime victims nor publish any identifiable information regarding victims in ASR reports.

### **LJIC Awareness Programs & Prevention Campaigns**

La' James International College engages in educational programming to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty that:

1. Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
2. Defines what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
3. Defines what behavior and actions constitute consent to sexual activity in:  
**Iowa**



Sexual intimacy requires that all participants consent to the activity. Consent between two or more people is defined as an affirmative agreement--through clear actions or words--to engage in sexual activity. The person giving the consent must act freely, voluntarily, and with an understanding of their actions when giving the consent. Lack of protest or resistance does not constitute consent, nor does silence mean consent has been given. Relying solely on non-verbal communication can lead to misunderstanding. Persons who want to engage in the sexual activity are responsible for obtaining consent--it should never be assumed. A prior relationship or prior sexual activity is not sufficient to demonstrate consent.

Consent must be present throughout the sexual activity--at any time, a participant can communicate that they no longer consent to continuing the activity. If there is confusion as to whether anyone has consented or continues to consent to sexual activity, it is essential that the participants stop the activity until the confusion can be clearly resolved.

In addition, under Iowa law the following people are unable to give consent:

- Persons who are asleep or unconscious
  - Persons who are incapacitated due to the influence of drugs, alcohol, or medication (see "Resource Links" below for Iowa Code Section 709.1A, Incapacitation)
  - Persons who are unable to communicate consent due to a mental or physical condition  
Generally, minors under the age of 16.
4. Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander.

#### **When & How to Intervene**

Every situation is different and there is no universal response when intervening to prevent sexual violence. Safety is key in deciding when and how to respond to sexual violence. Every person must decide for themselves the safest and most meaningful way to become an engaged bystander. Some ideas on how to maintain safety while being an engaged bystander:

- If you witness sexual violence, get support from people around you. You do not have to act alone. If you do not feel safe, contact the police.
  - When intervening, be respectful, direct and honest.
  - Group setting and sexual gestures made to a person in the group. Person becomes upset. An engaged bystander could tell the group to stop harassing the person or ask the person if they want to leave and tell an appropriate authority (Ex: Instructor or Supervisor.)
  - Group setting and a friend starts flirting with someone. The other person is not interested, but the friend will not leave them alone. An engaged bystander could approach the friend and start a conversation to distract them from the uninterested person.
5. Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks. – See below Risk Reduction/Warning Signs of Abusive Behavior
6. Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.





This educational campaign will consist of but not be limited to the distribution of educational materials to new students, participating in and presenting information and materials during student/employee orientation and through newsletters among other means of distribution through the year. The college also has a directory of services that are available to victims within the community to assist those who have suffered from a criminal act.

### **Risk Reduction/Warning Signs of Abusive Behavior**

No victim is ever to blame for being assaulted or abused. Unfortunately, a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warnings signs of abusive behavior and how to avoid potential attacks.

#### **Warning Signs of Abusive Behavior**

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe. Warning signs of dating and domestic violence include:

1. Being afraid of your partner.
2. Constantly watching what you say to avoid a "blow up."
3. Feelings of low self-worth and helplessness about your relationship.
4. Feeling isolated from family or friends because of your relationship.
5. Hiding bruises or other injuries from family or friends.
6. Being prevented from working, studying, going home, and/or using technology (including your cell phone.)
7. Being monitored by your partner at home, work, or school.
8. Being forced to do things you don't want to do.

#### **Help Reduce Your Risk and Avoid Potential Attacks**

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

1. Learn how to look for "red flags" in relationships so you can learn to avoid some of those characteristics in future partners.
2. Consider making a report with the College Administrator and ask for a "no contact" directive from the college to prevent future contact.
3. Consider getting a protective order or stay away order.
4. Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
5. Trust your instincts—if something doesn't feel right in a relationship, speak up or end it.

#### **Sexual Assault Prevention (From Rape, Abuse and Incest National Network - RAINN)**

- Try not to leave your drink unattended.
- Only drink from un-opened containers, or from drinks you have watched being made and



poured.

- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top or choose drinks that are contained in a bottle and keep your thumb over the nozzle.
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible.
- If you suspect you have been drugged, go to a hospital and ask to be tested.
- Keep track of how many drinks you have had.
- Try to come and leave with a group of people you trust.
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours.

#### **Traveling to and from campus and outside the campus building**

- Make sure your cell phone is easily accessible and fully charged.
- Take major, public paths rather than less populated shortcuts if walking to and from the college.
- Avoid dimly lit places and talk to the College Administrator if lights need to be installed in an area.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- Carry a noisemaker on your keychain.
- Carry a small flashlight on your keychain.

#### **La' James International College has a sexual assault prevention program that includes, but is not limited to the following:**

- If an assault occurs, notify the College Administrator immediately
- Do not disturb the crime scene
- Notify local law enforcement officials
- Secure counseling for the victim
- Change the academic schedule if victim requests
- Disciplinary actions on the assaulter includes dismissal from the college.

The nature of sexual assault, particularly when perpetrated by an acquaintance, makes it difficult for many survivors to report their experience. For this reason, the local Shelters and Women's Service Centers are primary places where individuals may seek assistance in complete confidentiality.

#### **Important Phone Numbers:**

##### Battered Women's Services

Crisis & Intake Line: (604)-687-1867

Toll Free: 1-(855)-687-1868

Business Phone: (604)-687-1868

Email: [information@bwss.org](mailto:information@bwss.org)



Domestic, Sexual Assault Outreach Center Fort Dodge, IA  
Hotline (888)-356-2006 Business (515)-955-2273

YWCA 826 1<sup>st</sup> Ave North Fort Dodge, IA 50501 (515)-573-3931

Gateway Domestic Violence Services Crisis Line (303)-343-1851

National Domestic Violence Hotline at 1-800-799-7233  
[www.ndvh.org](http://www.ndvh.org)

Rape, Abuse & Incest National Network 1-800-656-4673  
[www.rainn.org](http://www.rainn.org)

National Domestic Violence – Dating Abuse Hotline 1-866-331-9474  
Chat at [loveisrespect.org](http://loveisrespect.org)  
Text "loveis" to 22522, anytime, 24/7/365  
[www.loveisrespect.org](http://www.loveisrespect.org)

National Child Abuse Hotline 1-800-422-4453  
[www.childhelp.org](http://www.childhelp.org)

National Suicide Prevention Lifeline 1-800-273-8255  
[www.suicidepreventionlifelong.org](http://www.suicidepreventionlifelong.org)

Center for Community Resolutions  
(Rape/Domestic Violence) (24-hour Hotline) 1-888-385-4657

Stalking Resource Center Victim Connect Helpline  
855-4-VICTIM (855-484-2846)

Young Women’s Resource Center 818 5<sup>th</sup> Ave. Des Moines, IA 50309 (515)-244-4901  
Email: [ywrc@ywrc.org](mailto:ywrc@ywrc.org)

Homeless Shelters:

Emergency Residence Project Ames, IA (515)-232-8075	
Central Iowa Shelter & Services Des Moines, IA	(515)-284-5719
Foundation for Children and Families of Iowa Des Moines, IA	(515)-288-1981
Hope Ministries Des Moines, IA	(515)-265-7272
Beacon-Hope Men’s Homeless Fort Dodge, IA	(515)-955-3366
Shelter House Iowa City, IA 52240	(319)-351-0326
Madge Phillips Center-Waypoint Cedar Rapids, IA	(319)-366-7999
Waypoint Shelter Cedar Rapids, IA (24 hour support line)	(319)-363-2093 or
	(800)-208-0388
Humility of Mary Housing, Inc. Davenport, IA 52807	(563)-326-1330



YWCA 826 1 <sup>st</sup> Ave North Fort Dodge, IA 50501	(515)-573-3931
Y.W.C.A. (24 hr. hotline for all domestic violence services)	(877)-718-1868
Story County Victim/Witness Assistance Program	(515)-239-5101
National Women's Law Center	(202)-588-5180

<u>Iowa Coalition Against Sexual Assault</u> <a href="http://www.iowacasa.org">www.iowacasa.org</a>	(515) 244-7424
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<u>Iowa Coalition against Domestic Violence Help Line</u> Or text iowahelp to 20121	(800)-770-1650
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### **Suggestions to Reduce Risk:**

- There is strength in numbers or group dates. Go to parties or clubs with a friend and be responsible for each other. Don't split up. Have a preplanned signal to let your friend know that you want to leave or need help.
- Control your alcohol; don't let it control you. Drink responsibly or not at all, especially on first dates.
- No substance abuse.
- Know your limits. It's never too late to say "no." Don't be embarrassed or ashamed to say "no" or ask someone to stop. It is your body.
- Verbalize your expectations. Be up front. Talk about sexual boundaries. A potentially embarrassing conversation could save you from a traumatic situation.
- Trust your gut instinct. Guard your personal space. If someone makes you uncomfortable, remove yourself from the situation.
- Believe in yourself. Know your rights. Women do not ask to be raped any more than a man with money in his pocket is asking to be robbed. You are in charge of your body and you can say "NO".
- End the night early if your date becomes drunk or abusive. No one deserves physical or emotional abuse.

### **Response to Reports of Sexual Assault**

La' James International College is committed to creating an environment that both promotes and assists in prompt reporting of sexual assault, and to providing compassionate support services for survivors. Students who are the victims of campus-related sexual assault are entitled to certain rights. These rights include, but are not limited to, the following:

- The survivor has the right to have their claims treated seriously and to be treated with dignity.
- The survivor has the right to be informed of their options with regard to notifying law enforcement authorities and to be assisted in notifying such authorities if they so choose. Because the school recognizes that a sexual assault is more than an assault on an individual's body, but is also an attack on the individual's dignity and sense of self, the school is committed to ensuring that the decision to take action against the accused rests solely with the survivor. There may be circumstances, however, depending upon the status of the alleged assailant and the seriousness of the offense, in which the school must take action to protect the survivor or the campus community. Federal law requires that the school provide the campus community with timely notice of certain reported crimes and/or acts the institution believes represent a threat to members of the campus community.
- The survivor has the right to be free from undue coercion of any kind from the school's personnel. Such



coercion includes but is not limited to pressuring the survivor to report, not to report, or to under report a sexual assault; suggesting that the survivor somehow contributed to or assumed the risk of being sexually assaulted; or suggesting that the survivor or the school would incur unwanted publicity or humiliation by reporting the sexual assault.

- Student survivors may choose to change academic arrangements, if such changes are reasonably available, without financial or academic penalty. For assistance in exploring options for a change in academic situations, contact should be made with the College Administrator.

### **If you are Sexually Assaulted**

- Get to a safe place.
- Call the police as soon as it is safe to do so by dialing 9-1-1.

### **Reporting the Assault**

Students who believe that they are victims of a sexual assault should contact their College Administrator.

School faculty, staff members or campus visitors who believe they are victims of a sexual assault should contact at least one of the following College officials:

- Title IX Coordinator
- College Administrator/ Investigator
- Human Resources

Individuals who have been raped or sexually assaulted should try to preserve all physical evidence. They should not wash, use the toilet, or change clothing, if doing so can be avoided. If oral contact took place, one should not smoke, eat, drink, or brush one's teeth. If one changes clothes, all clothing worn at the time of the attack should be placed in a paper bag, not plastic. Medical attention should be sought as soon as possible to assess any physical injuries, provide appropriate medical treatment, and collect important evidence in the event legal action is taken.

In cases of alleged sexual assault, the accuser and the accused are entitled to the same opportunities to have others present during campus disciplinary proceedings, and both the accuser and the accused shall be informed of the outcome of any campus disciplinary proceeding brought alleging a sexual assault. The institution will, upon written request, disclose to the alleged victim of any crime of violence (as that term is defined in section 16 of title 18, United States Code), or a nonforcible sex offense, the report on the results of any disciplinary proceeding conducted by LJIC against a student who is the alleged perpetrator of such crime or offense with respect to such crime or offense. If the alleged victim of such crime or offense is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph. An accused perpetrator of sexual assault, if determined to be responsible of the accused sexual assault, may be dismissed from La' James International College immediately.

The nature of sexual assault, particularly when perpetrated by an acquaintance, makes it difficult for many survivors to report their experience. For this reason, the local Shelters and Women's Service Centers are primary places where individuals may seek assistance in complete confidentiality.