

Title IX Policies/Procedures

Statement of Intent

Consistent with Title IX of the Education Amendments of 1972, West Tennessee Business College does not discriminate against students, faculty or staff based on sex, gender identity or sexual orientation in any of its programs including but not limited to educational programs, employment, and admission. Sexual harassment, including sexual violence, dating violence, domestic violence, stalking and hate crimes are a kind of sex discrimination and are prohibited by Title IX and by West Tennessee Business College.

West Tennessee Business College is committed to responding promptly and effectively when it learns of any form of possible discrimination based on sex. The college will respond to reports of sexual harassment, including sexual violence, as part of its efforts to stop the harassment and prevent the recurrence of possible sex discrimination. An individual who has questions or concerns regarding possible discrimination based on sex or sex crimes should contact our Title IX Coordinator, Sheila Johnson.

Sexual Assault Policy

Sexual assault definition: any non-consensual physical contact of a sexual nature, whether by an acquaintance or by a stranger is a sexual assault. Sexual assault includes, but is not limited to dating violence, domestic violence, rape, acquaintance rape (friend classmate, peer, co-worker, partner, etc), incest, sexual assault with an object, forcible sodomy, forcible oral sex and forcible fondling.

Consent is the equal approval, given freely, willingly and knowingly of each participant. Consent is an affirmative, conscious decision indicated clearly by words or actions. A person forced to engage in sexual contact by force, threat of force, or coercion has not consented to contact. Lack of mutual consent is the crucial factor in any sexual assault. Consent **cannot** be given if a person is not able to resist or consent is impaired because of a mental or physical condition or if there is a perceived power differential. This includes, but is not limited to frightened, unconscious, physically or psychologically pressured or forced, intimidated, impaired because of a health condition, voluntary intoxication or impaired because of the deceptive administering of any drug, intoxicant or controlled substance.

The college encourages persons who have been sexually assaulted to report the assault, to seek assistance, and to pursue judicial action for their own protection and that of the entire campus community. If the assault occurred on campus, a person should report the assault to the college and/or the local police. However, the college recognizes that a person who has been sexually assaulted has the right not to pursue criminal prosecution or a college proceeding. Choosing not to pursue college or criminal action does not remove the responsibility of the college to investigate or take action if the assault occurred on the college campus.

When a report of sexual assault on campus is made, both the accused and the accuser, and all identified witnesses who are named in the investigation, will be notified of the colleges expectation of confidentiality. Breaches of confidentiality or retaliation against the person bringing the complaint, any person assisting with the investigation, or the person or individuals being charged with the complaint, will result in disciplinary review. The college will make all reasonable efforts to maintain the confidentiality of all parties involved in sexual assault investigations.

The college is committed to providing support to anyone involved in a sexual assault.

Privileged reporting consists of those communications that legally cannot be disclosed, without the reporter's consent, to any other person, except under very limited circumstances such as an imminent threat of danger to self or others. Example: WRAP

Limited confidential reporting consists of those communications that will not be disseminated to others except on a need-to-know basis. The college is balancing the wishes of the reporting person while protecting the overall college community as a whole. Such disclosures will be limited to a finite group of people all with the same confidentiality obligations. Example: college faculty/staff or any police authority.

The college supports and encourages anyone who has been sexually assaulted to report the incident to the reporting source of their choice. Prompt reporting may preserve options that delayed reporting does not. However, those who delay reporting can report the incident at any time.

The college recognizes that a person who has been sexually assaulted may choose not to report the crime to a limited confidential source or a privileged source. In those situations, the college allows an individual who has been sexually assaulted to file an anonymous report which allows the reporting person time to decide what course of action they want to take and also allows the crime to be counted in the campus crime statistics.

Discrimination & Sexual Harassment Policy

It is the policy of West Tennessee Business College to provide equal opportunity in education and employment and not discriminate on the basis of race, color, national origin, age, disability, sex, sexual orientation, marital status, creed, religion, or status as a veteran of war as required by Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, RCW [49.60.030](#) and their implementing regulations. Prohibited sex discrimination includes sexual harassment, unwelcome sexual conduct of various types including, but not limited to sexual assault, dating violence, domestic violence, stalking or hate crimes.

Sexual harassment is a form of sex discrimination. It occurs in a variety of situations which share a common element: The inappropriate introduction of sexual activities or comments into the work or learning situation, the creation of relationships of unequal power and/or elements of coercion, such as requests for sexual favors as a criterion for granting work, study, or grading benefits. Sexual harassment may also involve relationships among peers of repeated sexual advances or demeaning verbal behavior resulting in a harmful effect on a person's ability to study or work in the academic setting. In addition, third parties may submit claims if a sexual relationship unfairly confers preferential treatment to participant(s) in the relationship.

Procedure for Discrimination or Sexual Harassment Complaints

(1) Any student or employee who believes that he or she has been the subject of discrimination, sexual harassment or sexual assault, should report the incident or incidents to the Title IX Coordinator, the administrator so designated by the college president. If the complaint is against that official, the complainant should report the matter to the president's office for referral to an alternate designee. The college encourages the timely reporting of any incident(s) of discrimination or sexual harassment.

- (2) All reports of incident(s) will be forwarded to the Title IX Coordinator for review and a determination on how to process the complaint.
- (3) The student or employee who files a complaint alleging discrimination or sexual harassment (the complainant) may submit a brief written statement of allegations to the Title IX Coordinator. If the complainant does not submit a written statement, the Title IX Coordinator shall prepare a statement of facts which is approved by the complainant. That statement will be forwarded as well to the subject of the complaint, who may choose to submit a response.
- (4) The Title IX Coordinator shall appoint a college employee to investigate the complaint. The Title IX Coordinator shall inform the complainant and respondent(s) of the appointment.
- (5) The college representative shall conduct an investigation based upon the written statement submitted by the complainant and, if applicable, respondent(s). If the complainant did not file a written statement, the representative shall conduct an investigation based upon the statement prepared by the Title IX Coordinator.
- (6) The college representative shall conduct a thorough investigation. The investigation shall include, but is not limited to, providing the complainant and the respondent the opportunity to state their positions, interviewing witness, and reviewing relevant documents. The investigation shall be concluded within a reasonable time.
- (7) At the conclusion of the investigation, the college representative shall set forth his or her findings and recommendations in writing. The representative shall send a copy of the findings and recommendations to the Title IX Coordinator.
- (8) The Title IX Coordinator shall consider the findings and recommendations of the representative. The Title IX Coordinator and Dean or the President of the College shall determine whether disciplinary action may be appropriate. If the Title IX Coordinator recommends, he or she will consult with the respondent's appointing authority regarding possible personnel action. These options may include voluntary training/counseling, development of a remediation plan, or formal discipline. The Title IX Coordinator shall advise the complainant and respondent of the college's decision.
- (9) If the Title IX Coordinator and respondent's appointing authority determine that disciplinary actions should be instituted against an employee the applicable provisions of employee rights and responsibilities shall be followed. These provisions include but are not limited to, state and federal constitutional and statutory provisions, and college policies.
- (10) If the Title IX Coordinator, Dean and or College President determines that disciplinary action should be instituted against a student, the applicable provisions of the college student code shall be followed.
- (11) If it is felt that disciplinary action is not appropriate and the complainant disagrees, the complainant may appeal, in writing, to the Dean and or President of the College.

(12) The procedures regarding complaints of discrimination shall be published and distributed as determined by the president or president's designee. Any person who believes he or she has been subjected to sexual harassment will be provided a copy of this policy and procedure.

(13) All incidents must be reported to the Campus Crime/Security Reporting Officer.

Non-Retaliation, Intimidation and Coercion

Retaliation by, for or against any participant (complainant, respondent, or witness) is expressly prohibited. Retaliatory action of any kind taken against individuals as a result of seeking redress under the applicable procedures or serving as a witness in a subsequent investigation dealing with harassment/discrimination is prohibited and is conduct subject to discipline. Any person who thinks he/she has been the victim of retaliation should contact the Title IX Coordinator immediately. When a report has been made, both the accused and the accuser, and all identified witnesses who are named in the investigation, will be notified of the expectation of confidentiality.

Other Complaint Options

An employee or student may always file a complaint with:

U.S. Department of Education Office for Civil Rights at (800) 421-3481 or TDD (877) 521-2172, or

Equal Employment Opportunity Commission at (800) 669-4000 or TDD (800) 669-6820