

Lewis-

SECTION: Personnel

SUBJECT: Discrimination, Sexual Harassment, and Retaliation Prohibited

- J. *Grievance Process Pool* includes any investigators, hearing officers, appeal officers, and Advisors who may perform any or all of these roles (though not at the same time or with respect to the same case).
- K. *Hearing Panel* refers to those who have decision-making and sanctioning authority within the College process.
- L. *Investigator* means the person or persons charged by the College with gathering facts about an alleged violation of this Policy, assessing relevance and credibility, synthesizing the evidence, and compiling this information into an investigation report and file of directly related evidence.
- M. *Mandated Reporter* means an employee of the College who is obligated by policy to share knowledge, notice, and/or reports of harassment, discrimination, and/or retaliation with the Title IX Coordinator and/or their supervisor⁴.
- N. *Notice* means that an employee, student, or third-party informs the Title IX Coordinator or other Official with Authority of the alleged occurrence of harassing, discriminatory, and/or retaliatory conduct.
- O. *Official with Authority (OWA)* means an employee of the College explicitly vested with the responsibility to implement corrective measures for harassment, discrimination, and/or retaliation on behalf of the College.
- P. *Parties* include the Complainant(s) and Respondent(s), collectively.
- Q. *Process A* means the Formal Grievance Process.
- R. *Process B* means the informal alternative resolution procedures.
- S. *Recipient* means a postsecondary education program that is a recipient of federal funding.
- T. *Remedies* are post-finding actions directed to the Complainant and/or the community as mechanisms to address safety, prevent recurrence, and restore access to the educational program.
- U. *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute harassment or discrimination based on a protected class; or retaliation for engaging in a protected activity.
- V. *Resolution* means the result of an informal or Formal Grievance Process.
- W. *Sanction* means a consequence imposed by the College on a Respondent who is found to have violated this policy.
- X. *Sexual Harassment* is the umbrella category including the offenses of sexual

SECTION: Personnel

SUBJECT: Disc

SECTION: Personnel

SUBJECT: Discrimination, Sexual Harassment, and Retaliation Prohibited

208-792-2689

Email: anedwards@lcsc.edu

Web: lcsc.edu/title-ix

The College has determined the following administrators are Officials with Authority to address and correct harassment, discrimination, and/or retaliation. These Officials with Authority listed below may also accept notice or complaints on behalf of the College:

Director of Campus Security;
Director of Human Resource Services
Director of Residence Life;
Athletics Director;
Deans;
Vice Presidents; or
President

The College has also classified all employees as Mandated Reporters (with limited exceptions) of any knowledge they have that a member of the community is experiencing harassment, discrimination, and/or retaliation. [Section 19](#) on Mandated Reporting details which employees have this responsibility and their duties, accordingly.

Inquiries about or concerns regarding this policy and related procedures, may be made externally to:

U.S. Office of Civil Rights Department of Education
915 Second Avenue Room 3310
Seattle, WA 98174-1099
206-607-1600
800-421-3481
OCR@ed.gov
OCR.Seattle@ed.gov

U.S. Equal Employment Opportunity Commission
(EEOC) Federal Office Building
909 First Avenue; Suite 400
Seattle, WA 98104-1061
800-669-4000
www.eeoc.gov

Idaho Department of Labor
1158 Idaho Street
Lewiston, ID 83501-1960
208-799-5000
lewistonmail@labor.idaho.gov

SECTION: Personnel

Lewis-Clark State College
Policy and Procedures Manual

SECTION: Personnel

SUBJECT: Discrimination, Sexual Harassment, and Retaliation Prohibited

objections to the emergency removal will be deemed waived. A Complainant and their Advisor may be permitted to participate in this meeting if the Title IX Coordinator determines it is equitable to do so. This section also applies to any restrictions that a coach or athletic administrator may place on a student-athlete arising from allegations related to Title IX. There is no appeal process for emergency removal decisions.

A Respondent may be accompanied by an Advisor of their choice when meeting with the Title IX Coordinator for the show cause meeting. The Respondent will be given access to a written summary of the basis for the emergency removal prior to the meeting to allow for adequate preparation.

The Title IX Coordinator has sole discretion under this policy to implement or stay an emergency removal and to determine the conditions and duration. Violation of an emergency removal under this policy will be grounds for discipline, which may include expulsion or termination.

The College will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. As determined by the Title IX Coordinator, these actions could include, but are not limited to: removing a student from a residence hall, temporarily re-assigning an student to withdraw or take grades of incomplete without financial penalty, authorizing an employment, student organizational leadership, or intercollegiate/intramural athletics.

At the discretion of the Title IX Coordinator, alternative coursework options may be pursued to ensure as minimal an academic impact as possible on the parties.

10. Promptness

All allegations are acted upon promptly by the College once it has received notice or a formal complaint. Complaints can take 60-90 business days to resolve, typically. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in the College delayed, the College will provide written notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

11. Privacy

Every effort is made by the College to preserve the privacy of reports.²The College will not share

SECTION: Personnel

SUBJECT: Discrimination, Sexual Harassment, and Retaliation Prohibited

the identity of any individual who has made a report or complaint of harassment, discrimination, or retaliation; any Complainant, any individual who has been reported to be the perpetrator of sex discrimination, any Respondent, or any witness, except as permitted by the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. 1232g; FERPA regulations, 34 CFR part 99; or as required by law; or to carry out the purposes of 34 CFR Part 106, including the conducting of any investigation, hearing, or grievance proceeding arising under these policies and procedures.

The College reserves the right to designate which College officials have a legitimate educational interest

SECTION: Personnel

SUBJECT: Discrimination, Sexual Harassment, and Retaliation Prohibited

Regardless of where the conduct occurred, the College will address notice/complaints to determine whether the conduct occurred in the context of its employment or educational program or activity and/or has continuing effects on campus or in an off-campus sponsored program or activity. A substantial College interest includes:

- A. Any action that constitutes a criminal offense as defined by law. This includes, but is not limited to, single or repeat violations of any local, state, or federal law;
- B. Any situation in which it is determined that the Respondent poses an immediate threat to the physical health or safety of any student or other individual;
- C. Any situation that significantly impinges upon the rights, property, or achievements of oneself or others or significantly breaches the peace and/or causes social disorder; and/or
- D. Any situation that is detrimental to the educational interests or mission of the College.

If the Respondent is unknown or is not a member of the College community, the Title IX Coordinator will assist the Complainant in identifying appropriate campus an

Lewis-

SECTION: Personnel

SUBJECT: Discrimination, Sexual Harassment, and Retaliation Prohibited

- (d) Sexual Assault with an Object:
 - (i) The use of an object or instrument to penetrate,
 - (ii) however slightly,
 - (iii) the genital or anal opening of the body of another person,
 - (iv) forcibly,
 - (v) _____ -consensually),
 - (vi) or not forcibly or against the
Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- (e) Forcible Fondling:
 - (i) The touching of the private body parts of another person (buttocks, groin, breasts),
 - (ii) for the purpose of sexual gratification,
 - (iii) forcibly,
 - (iv) _____ -consensually),
 - (v) _____
Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- (f) Sex Offenses, Non-forcible:
 - (i) Incest:
 - 1. Non-forcible sexual intercourse,
 - 2. between persons who are related to each other,
 - 3. within the degrees wherein marriage is prohibited by Idaho law.
 - (ii) Statutory Rape:
 - 1. Non-forcible sexual intercourse,
 - 2. with a person who is under the statutory age of consent of 16.
- (4) Dating Violence, defined as:
 - (a) violence,
 - (b) on the basis of sex,
 - (c) committed by a person,
 - (d) who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
 - (i) The existence of such a relationship shall be determined based on the _____
relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition
 - (ii) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - (iii) Dating violence does not include acts covered under the definition of domestic violence.
- (5) Domestic Violence, defined as:
 - (a) violence,
 - (b) on the basis of sex,
 - (c) committed by a current or former spouse or intimate partner of the Complainant,

SECTION: Personnel

SUBJECT: Discrimination, Sexual Harassment, and Retaliation Prohibited

- (d) by a person with whom the Complainant shares a child in common, or
- (e) by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- (f) by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Idaho, or
- (g) by any other person against an adult or youth Complainant who is protected

To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

- (6) Stalking, defined as:
 - (a) engaging in a course of conduct,
 - (b) on the basis of sex,
 - (c) directed at a specific person, that
 - (i) would cause a reasonable person to f
 - (ii) the safety of others; or
 - (iii) Suffer substantial emotional distress.

For the purposes of this definition

- (a) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a
- (b) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- (c) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

The College reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under this policy.

C. Force, Coercion, Consent, and Incapacitation

As used in the offenses above, the following definitions and understandings apply:

Force: Force is the use of physical violence and/or physical imposition to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that is intended to

SECTION: Personnel

SUBJECT: Discrimination, Sexual Harassment, and Retaliation Prohibited

- (c) Taking pictures, video, or audio recording of another in a sexual act, or in any other sexually-related activity when there is a reasonable expectation of privacy during the activity, without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without the photographed person's consent, or making or posting of revenge pornography)
- (d) Prostituting another person
- (e) Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
- (f) Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
- (g)

Lewis

Lewis

SECTION: Personnel

SUBJECT: Discrimination, Sexual Harassment, and Retaliation Prohibited

and to comply with state or federal law.

The Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Title IX Coordinator may sign a formal complaint to

