

AMERICAN COLLEGE OF THE BUILDING ARTS

Title IX – Sexual Misconduct

"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 education program or activity receiving federal financial assistance."

Title IX of the Education Amendments of 1972 (20 U.S.C. §1681 et. seq.)

Title IX of the Educational Amendments of 1972 protects individuals from sex discrimination in educational programs and activities at institutions that receive federal financial assistance. ACBA is committed to providing an environment free from discrimination on the basis of sex. Sexual harassment, which includes sexual violence, is a type of sex discrimination and is prohibited under Title IX and by the College.

The College encourages any student or employee who thinks they have been subjected to sex discrimination or sexual harassment, including sexual violence, by another student, member of the faculty or staff, or campus visitor or contractor, to immediately report the incident to any of the individual persons or offices listed below.

Barbara Antley

Title IX Coordinator

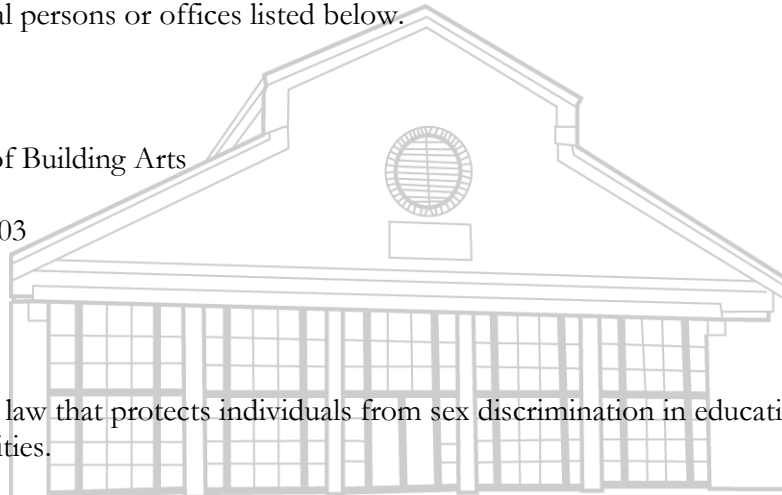
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What is Title IX?

Title IX is a federal law that protects individuals from sex discrimination in educational programs and activities.

Why is Title IX important?

Title IX helps create a safe and respectful environment that better protects students, faculty, staff and visitors from incidents of sex-based discrimination and sexual harassment, which includes sexual violence and assault.

What behaviors are prohibited by Title IX?

Sexual harassment, which includes sexual violence and assault, is a form of sex discrimination and is prohibited under Title IX.

Specific behaviors that are prohibited by Title IX include rape, sexual assault, sexual exploitation, and other forms of non-consensual activity, stalking, and relationship violence. Many behaviors that violate Title IX are also crimes.

Who does Title IX affect?

Title IX protects all students, faculty, staff and visitors from discrimination on the grounds of gender, sex, gender identity or expression, and sexual orientation.

AMERICAN COLLEGE OF THE BUILDING ARTS

Does Title IX protect international students?

Yes. Title IX protects all student's attending institutions in the United States that receive federal funds, regardless of national origin, international status, or citizenship status.

Does ACBA have a Sexual Misconduct Policy?

Yes. The College does not condone and will not tolerate sexual harassment or sexual violence of any kind. The College prohibits rape, domestic violence, dating violence, sexual assault, stalking, cyber-stalking as well as discrimination or harassment based on sex. Allegations of sexual misconduct are investigated and processed in accordance with discipline processes outlined in the College Catalog.

What is Sexual Misconduct?

Sexual misconduct is any unwelcome conduct of a sexual nature that is committed without consent or by force, intimidation, coercion, or manipulation. Sexual misconduct can be committed by a person of any gender, and it can occur between people of the same or different gender.

Examples:

- Sexual harassment
- Sex-based harassment
- Sexual violence or assault
- Rape
- Groping
- Sexual coercion
- Sexual exploitation
- Sexual threats or intimidation
- Domestic violence
- Dating violence
- Stalking
- Cyber-stalking
- Any other nonconsensual sexual touching



*These examples are not all-inclusive of the types of situations that may constitute sexual misconduct.

What is Sexual Harassment?

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual nature which has the purpose or effect of interfering with one's academic or work performance or educational experience by creating an intimidating, hostile, offensive, or violent environment. **Sexual violence/assault is also considered sexual harassment.**

Examples:

- Pressure for sexual activity
- Sexual innuendos and comments
- Sexually explicit questions
- Requests for sexual favors
- Unwelcome touching, hugging, stroking, squeezing
- Spreading rumors about a person's sexuality

AMERICAN COLLEGE OF THE BUILDING ARTS

- Displaying or sending sexually suggestive electronic content, including but not limited to emails, text messages, etc.
- Pervasive displays of pictures, calendars, cartoons, or other materials with sexually explicit or graphic content
- Stalking a person
- Attempted or actual sexual violence

*These examples are not all-inclusive of the types of situations that may constitute sexual harassment.

When is conduct considered "unwelcome?"

Conduct is considered "unwelcome" when an individual does not invite or request it and considers the conduct to be offensive or undesirable.

What is Consent?

Consent is when someone agrees, gives permission, or says "yes" with both their body and words to sexual activity with other persons. Consent must be given while sober and clearly communicated. Consent should never be assumed. You should never assume by the way a person dresses, smiles, looks, or acts that they want to have sex with you. A person's silence should not be considered consent. A person who does not respond to attempts to engage in sexual activity, even if they do not verbally say no or resist physically, is not clearly agreeing to sexual activity.

Consent to some sexual acts does not mean consent to others, nor does past consent to a given act establish present or future consent. Even if someone has agreed to engage sexually, that person has the right to withdraw their consent at any time.

Consent cannot be given from someone who is asleep or otherwise mentally or physically incapacitated, whether due to alcohol, drugs, or some other condition. Engaging in sexual activity with a person whom you know, or reasonably should know, to be incapacitated is sexual assault.

Use of force intimidation, or coercion is a denial of a person's right to freely give his or her consent. Sex without consent is sexual assault.

What does the Title IX Coordinator do?

The College's Title IX Coordinator is responsible for ensuring the College complies and carries out its responsibilities under Title IX. All questions and inquiries concerning ACBA's policies for the prevention of sexual harassment and sexual violence under Title IX should be referred to ACBA's Title IX Coordinator. The Title IX Coordinator provides advice and oversight on policies, preventive educational programs, resources and services required under Title IX, and in addition, oversees all complaints of sexual misconduct, as well as identifies and addresses any patterns or systematic problems that arise during the review of complaints.

What is Bystander Intervention?

Bystander intervention is the act of assisting someone in an emergency or non-emergency situation. The College encourages all community members to take reasonable and careful actions to prevent or stop an act of sexual misconduct. Taking action may include direct intervention where it is safe to do so, creating a distraction, calling law enforcement, or

AMERICAN COLLEGE OF THE BUILDING ARTS

seeking assistance from a person in authority.

Does Title IX protect individuals against retaliation?

Retaliation against any individual who files a complaint or participates in a harassment inquiry is prohibited. Anyone who reports an actual or suspected incident of harassment, discrimination or violence based on sex, or who participates in an investigation, will not be subject to retaliation, by the College or others, including students. Prohibited retaliatory acts include threats, coercion, intimidation, or discrimination. The College will take steps to prevent retaliation against individuals who file complaints, or any individual who provides information regarding the complaint.

If an individual believes they have been subjected to retaliation, they should contact the Title IX Coordinator. Anyone found to be in violation of this retaliation provision will be subject to disciplinary action.

How can I report sexual discrimination, harassment, or violence?

The decision to report sexual misconduct, including sexual assault, harassment, relationship violence, stalking and any other type of discrimination based on sex, is yours. Please know that the College cares about you and has many resources to help you in the healing process. If you have a complaint involving sexual misconduct, or if you have any question about ACBA's policies or procedures regarding this area, please contact the Title IX Coordinator below. In an emergency situation please contact 911. All complaints will be thoroughly reviewed and investigated in a manner that is prompt, fair, and impartial.

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