

Sexual Misconduct Policy

Introduction
Coe College is committed to providing a learning environment that is free of all forms of abuse, assault, harassment, and coercive conduct, including Sexual Misconduct. This Sexual Misconduct policy includes definitions of terms, prevention information, procedures, and resources available in the event of all forms of sex discrimination, sexual harassment, sexual violence (i.e., sexual assault, non-consensual sexual contact, non-consensual sexual intercourse and/or sexual exploitation), dating violence, domestic violence, and stalking. Sexual harassment is a type of sex discrimination, and sexual violence is a particularly severe form of sexual harassment.

Coe College does not tolerate Sexual Misconduct in any form. Sexually abusive behavior within the College community is harmful to both the learning environment and the sense of community the College tries to foster among students, faculty, staff, and administrators. All members of the College community have an obligation to act responsibly in the realm of sexuality. This includes accepting personal responsibility for choices made about alcohol and drug consumption which might lead to behavior that violates another person. Additionally, it is the responsibility of all members of the College community to recognize and challenge any sexual misconduct.

College students, often away from home for the first time, may be unsure of how to handle situations such as rapidly expanding social circles and a lack of parental restrictions. The information that follows is designed to provide a clear understanding of expectations and outcomes regarding sexual and interpersonal conduct on our campus.

Policy Statement
The College prohibits sexual misconduct, in all its forms, as defined below, as well as attempting sexual misconduct and aiding someone in the commission of a sexual misconduct offense. It also prohibits retaliation against any member of the College community who reports or assists in making a complaint of sexual misconduct or who participates in the investigation of a complaint in any way.

Jurisdiction
The College has jurisdiction over conduct covered by this policy that occurred on campus, during or at an official College program or activity (regardless of location), or off campus when the conduct could create a hostile environment on campus.

Definitions
Sexual Misconduct
At Coe College, Sexual Misconduct, as used in this Policy, is an umbrella term covering sex discrimination, sexual harassment, sexual violence (i.e., sexual assault, non-consensual sexual contact, non-consensual sexual intercourse and/or sexual exploitation), dating violence, domestic violence, and stalking. This term will be used throughout this policy when collectively referring to these types of conduct.

Sexual misconduct can occur when the complainant and alleged perpetrator are members of the same or opposite sex, and the College’s prohibition of sexual misconduct applies regardless of national origin, immigration status, or citizenship status.

Sex Discrimination
Sex discrimination occurs when persons are excluded from participation in, or denied the benefits of, any College program or activity because of their sex. Sex discrimination can include adverse treatment based on one’s sex, as well as the other prohibited conduct outlined below. Sex discrimination includes discrimination on the basis of pregnancy, gender identity, and failure to conform to stereotypical notions of femininity and masculinity.

Sexual Harassment
At Coe College, Sexual Harassment is unwelcome sexual advances, requests for sexual favors, and other verbal, physical, graphic, or written conduct of a sexual nature when at least one of the following conditions is met:

- Submission to such conduct is made either explicitly or implicitly a term or condition of an individual’s employment, academic advancement, and/or athletic participation;
- Submission to or rejection of such conduct by an individual is used as a basis for employment or academic decisions affecting such individual, and/or;
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or academic performance or creating an intimidating, hostile, or offensive working, campus living, or academic experience.

Sexual Harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment, and/or creates a
hostile environment.

- **A Hostile Environment** is created when sexual harassment is:
  - sufficiently severe, or
  - persistent or pervasive, and
  - objectively offensive that it:
    - unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the university’s educational and/or employment, social and/or residential program

- **Quid Pro Quo Harassment** is:
  - Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature
  - By a person having power or authority over another constitutes sexual harassment when
    - Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual’s educational or employment progress, development, or performance.
    - This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational or employment program.

Some examples of sexual harassment include:

- Pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, rubbing, or massaging
- Pressure for sexual activity
- Unnecessary references to parts of the body
- Sexual innuendos, jokes, humor, or gestures
- Displaying sexual graffiti, pictures, videos or posters
- Using sexually explicit profanity
- Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
- Social media use that violates this policy
- Leering or staring at someone in a sexual way, such as staring at a person’s breasts or groin
- Sending sexually explicit emails or text messages
- Commenting on a person’s dress in a sexual manner
- Giving unwelcome personal gifts such as flowers, chocolates, or lingerie that suggest the desire for a romantic relationship
- Commenting on a person’s body, gender, sexual relationships, or sexual activities
- Sexual violence (as defined below)

**Sexual Violence**

Sexual violence is a particularly severe form of prohibited sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent because of his or her temporary or permanent mental or physical incapacity, because he or she is below the minimum age of consent in the applicable jurisdiction, or because of his or her incapacitation due to the use of drugs and/or alcohol. Other types of conduct may also constitute sexual violence.

At Coe College, sexual violence can include sexual assault, non-consensual sexual contact, non-consensual sexual intercourse and/or sexual exploitation.

**Non-Consensual Sexual Contact** is:

- any intentional sexual touching,
- however slight,
- with any object,
- by a person upon another person,
- that is without consent and/or by force.

  Sexual Contact includes:

  - Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
  - Any other intentional bodily contact in a sexual manner.

**Non-Consensual Sexual Intercourse** is:

- any sexual intercourse
- however slight,
• with any object,
• by a person upon another person,
• that is without consent and/or by force

   Intercourse includes:

• vaginal or anal penetration by a penis, object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

At Coe College, Sexual Assault occurs when a person engages in sexual relations with another person without the person’s affirmative consent. Sexual Assault includes the sexual conduct commonly known as rape, whether forcible or non-forcible. Either males or females can be aggressors in sexual assault, and sexual assault can occur in same-sex relationships. Sexual assault is a violation of a person’s body and mind.

At Coe College, Sexual Exploitation occurs when a student takes non-consensual, unjust, or abusive sexual advantage of another; for his/her own advantage or benefit; or to benefit or advantage anyone other than the one being exploited; and that behavior does not otherwise constitute non-consensual sexual conduct (sexual assault), non-consensual sexual intercourse, or sexual harassment. Examples include, but are not limited to:

• Secret video or audio taping of sexual activity;
• Going beyond the boundaries of consent such as letting your friends secretly watch you have consensual sex;
• Engaging in voyeurism, which is defined as the practice of obtaining sexual gratification by looking at sexual activity, especially secretly watching;
• Knowingly transmitting an STI, STD, or HIV to another;
• Inducing physical and/or mental incapacitation with intent of engaging in sexual activity with another person.

Coercion, Force, and Incapacitation

Consent to sexual interactions cannot occur if coercion or force is used or if an individual is incapacitated. Following these definitions, the College’s standards for consent are discussed in more detail.

Coercion is direct or implied threat of force, violence, danger, hardship or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise would have been performed or acquiesce in an act to which one would not have submitted. Coercion can include unreasonable and sustained pressure for sexual activity. When someone makes it clear that she/he does not want to engage in sexual activity, that she/he wants it to stop, or that she/he does not want to go past a certain point of sexual interaction, continued pressure beyond that point is considered coercion.

Force is the use or threat of physical violence or intimidation to overcome an individual’s freedom to choose whether or not to participate in sexual activity.

Incapacitation is the inability, temporarily or permanently, to give consent, because that individual is mentally and/or physically helpless, asleep, unconscious, or unaware that the sexual activity is occurring. An incapacitated individual lacks the ability to make informed, rational judgments about whether or not to engage in sexual activity. A person who is incapacitated in unable to and cannot give consent to sexual activity. A person can be physically active and in the case of alcohol or drug-induced blackouts.

Affirmative Consent

Lack of consent is a critical factor in determining whether sexual violence has occurred. At Coe College, an affirmative consent standard is used. Consent to engage in sexual activity must be given knowingly, voluntarily, and affirmatively. Consent to engage in sexual activity must exist from the beginning to end of each instance of sexual activity, and for each form of sexual contact. Consent demonstrated through mutually understandable words and/or clear, unambiguous actions that indicate a willingness to engage freely in sexual activity. Consent is active, not passive.

Each participant in a sexual encounter is expected to obtain and give consent each act of sexual activity. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity.

Consent consists of an outward demonstration indicating that an individual has freely chosen to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent cannot be inferred from silence, passivity, lack of resistance or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent.

If at any time it is reasonably apparent that either party is hesitant, confused or unsure, both parties should stop and obtain mutual
oral consent to continuing such activity.

Consent can be withdrawn by either party at any time. Withdrawal of consent can also be outwardly demonstrated by mutually understandable words and/or clear, unambiguous actions that indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease.

Individuals with a previous or current intimate relationship do not automatically give initial or continued consent to sexual activity. Even in the context of a relationship, there must be mutually understandable communication that clearly and unambiguously indicates a willingness to engage in sexual activity.

Consent is not affirmative if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual’s ability to exercise his/her own free will to choose whether or not to have sexual contact.

An individual who is physically incapacitated from alcohol and/or other drug consumption (voluntarily or involuntarily), or is unconscious, unaware or otherwise physically helpless is considered unable to give consent. For example, one who is asleep or passed out cannot give consent.

In the State of Iowa, consent can never be given by minors under the age of 16. For those under the age of 16 the law has two distinctions: First, anybody 13 years of age or younger is considered to be a “child” under Iowa Code, section 702.5 and thus, incapable of consent. Second, for the ages of 14 and 15, the consenting partner must be less than 5 years of age apart from the teen.

**Dating Violence, Domestic Violence, and Stalking**

The crimes of domestic violence, dating violence and stalking can also constitute sexual misconduct when motivated by a person’s sex. These types of conduct, no matter the motivation behind them, are a violation of this policy and will be addressed pursuant to the procedures outlined below.

**Dating Violence** means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of the relationship, and the frequency of interaction between the persons involved in the relationship.

**Domestic Violence** includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of a 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 in which the crime of violence occurred, 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 in which the crime of violence occurred.

**Stalking** 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. Stalking may take the form of harassing telephone calls, computer communications, letter-writing, etc. Stalking includes the activities generally associated with cyber-stalking, a particular form of stalking in which electronic and social media, including social networks, blogs, cells phones, texts or other similar electronic communication is used.

**Assistance for Survivors of Sexual Assault, Dating Violence or Domestic Violence**

If you have been sexually assaulted, or are a victim of dating violence or domestic violence, you have control of the choices you can make. The following are recommendations to assist you:

- Do not blame yourself. Being a victim of one of these crimes is *never* the survivor’s fault.
- Go to a safe location.
- Seek medical attention immediately.
- Do not shower, bathe, or douche. The only way medical evidence can be collected is if it is left intact.
- Consider obtaining a forensic examination. Completing a forensic examination does not require you to file a police report, but having a forensic examination will help preserve evidence in case you decide at a later date to file a police report. More information about obtaining a forensic examination can be found in the “Questions and Answers” section at the end of this policy.
- Contact one or more of the resources listed below.
If a friend has been assaulted or raped, or has been a victim of dating violence or domestic violence:

• Listen and be supportive.
• Let your friend make her or his own choices, but gently encourage them to seek medical assistance and professional help.
• Encourage your friend to immediately contact one of the campus or community resources listed below.
• Stay with your friend during interviews and examinations if she or he wants you to do so.
• Take care of yourself. You may need to talk with someone about how this has affected you. The resources listed in this policy are for you as well.

Electronic Forms of Evidence
In addition to physical evidence, it is also important to preserve evidence in electronic formats (e.g., text messages, social media posts, emails, screenshots, etc.). These types of evidence can also support a complaint you choose to file with local police and/or with the College. Additionally, they may be the only types of evidence available in cases of sexual harassment or stalking.

Privacy and Confidentiality
In any Complaint, Investigation, Administrative Review Proceeding, Appeal, or Resolution of a Complaint under the Sexual Misconduct Policy, the College is committed to protecting, and will make every effort to protect, the privacy of all individuals involved in the Sexual Misconduct Complaint matter.

There is a distinction between Privacy and Confidentiality.

Privacy means that information related to a report under the Sexual Misconduct Policy will only be shared with those College employees who “need to know” in order to assist in the review, investigation, administrative proceeding, appeal, or resolution of a Complaint. All College employees who are involved any of the review, investigation, administrative proceeding, appeal, or resolution proceedings receive specific training and guidance about safeguarding private information.

Privacy of a student’s educational records are all protected under the Family Educational Rights and Privacy Act (FERPA). The privacy of a student’s medical and related records are protected by the Health Insurance Portability and Accountability Act (HIPAA), excepting health records protected by FERPA. Access to College staff or faculty personnel records is restricted in accordance with relevant Coe College policies.

Confidentiality means that information shared by an individual with designated College or community professionals (such as those explicitly listed in this Policy as “Confidential Resources”) cannot be revealed to any other person without express permission from the individual, or as otherwise permitted or required by law. Individuals wishing to seek confidential assistance may do so by speaking with professionals or individuals who have a statutorily protected or designated confidentiality relationship. These individuals are prohibited from breaking confidentiality unless (1) given permission to do so by the person who disclosed the information to them; (2) there is an imminent threat of harm to self or others; (3) the conduct involves suspected abuse of a minor under the age of 18; or (4) as otherwise required or permitted by law or court order.

Coe College Individual/Professional Confidential Resources
Depending on their roles at the College, individuals on campus have different reporting responsibilities and abilities to maintain your confidentiality. In order to make an informed decision, victim/survivors/Complainants should be aware of confidentiality and mandatory referral/reporting requirements when consulting campus resources. On campus, some resources may maintain your complete confidentiality, offering you options and advice without any obligation to tell anyone, unless you want them to. Other resources are required to report any knowledge they have about sexual misconduct to the Sexual Misconduct Coordinator. Even though most College employees are required to report, you may seek assistance from them without starting a chain of events that takes things out of your control, or violates your privacy. An individual may always ask any person they are seeking help from if they can maintain their confidentiality or not.

To Report Confidentially
If you desire that details of the incident be kept confidential, you should speak with on-campus confidential resources or the off-campus counseling provided by St. Luke’s Family Counseling Center. St. Luke’s counseling sessions are free of charge. In addition, you may speak off-campus with various community organizations that specialize in sexual misconduct issues and keep reports made to them confidential.

Confidential on-campus resources
Emily Barnard, Director of Wellness and Counselor, 319-399-8843
Lindsay Shedek, Director of Health Services, 319-399-8617
Kristin Hutson, College Chaplain, 319-399-8843
John Chaimov, Professor, 319-399-8594
Karla Steffens-Moran, Professor and Advisor to RSVP, 319-399-8657
Kayla Waskow, Athletics, 319-399-8265

Confidential off-campus resources
St. Lukes Family Counseling Center, 319-369-7952
Riverview Center Sexual Assault Hotline, 1-888-557-0310
Mercy Medical Emergency Center, 319-398-6041
St. Luke’s Emergency Center, 319-369-7105
Iowa Sexual Abuse Hotline, 1-800-284-7821
Iowa Crime Victim Assistance Division, 1-800-373-5044
Iowa Coalition Against Sexual Assault, 515-244-7424
RAINN – Rape, Abuse, Incest National Network, 1-800-656-HOPE (4673)

Non-Confidential/Mandatory Referrals and Reporting
All employees of the College who are not confidential resources (see above) are considered mandatory referrers/reporters. This means they are required to inform the Sexual Misconduct Coordinator if they witness sexual misconduct or if they otherwise receive any information about sexual misconduct. You are encouraged to speak to officials of the institution to make formal reports of incidents. You have the right and can expect to have incidents of sexual misconduct taken seriously by the College when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Reporting does not mean that your information won’t be kept private and confidential, and the College will ensure your privacy to the extent possible while conducting its investigation. As such, only the people who need to know any given information will be told, and information will be shared only as necessary with investigators, witnesses, and the accused. The circle of people will be kept as tight as possible to preserve your rights and privacy. You may bring a victim advocate or advisor (defined below) to all phases of the investigation and campus conduct proceeding.

If you would like to formally report an incident of sexual misconduct under this Policy, it is recommended that you report to:

Krista Kronstein, Sexual Misconduct Coordinator, 319-399-8741, Student Development Suite in Upper Gage, kkronstein@coe.edu

Other College Resources for filing a formal report include:

Title IX Coordinator and Deputy Coordinators (Non-Confidential Resources)
Tom Hicks—Dean of Students & Title IX Coordinator, 319-399-8843, Student Development Suite, Upper Gage, thicks@coe.edu
Krista Kronstein—Deputy Coordinator, Sexual Misconduct Coordinator
Kris Bridges—Deputy Coordinator (faculty and staff), 319-399-8100, Lower Level Voorhees Hall, kbridges@coe.edu
Carlos Velez—Deputy Coordinator, 319-399-8843, Security Office, Upper Gage, cvelez@coe.edu
Laura Van Buer—Deputy Coordinator, 319-399-8843, Upper Gage, lvanbuer@coe.edu

Accused Student Resource (Confidential Resource)
Emily Barnard, Director of Wellness and Counselor, 319-399-8843

So that the College has sufficient information to investigate a complaint, the complaint should include: (1) the date(s) and time(s) of the alleged conduct; (2) the names of all person(s) involved in the alleged conduct, including possible witnesses; (3) all details outlining what happened; and (4) contact information for the complainant so that the College may follow up appropriately.

Federal Statistical Reporting Obligations
Under the Violence Against Women Reauthorization Act (“VAWA”), the Campus Sexual Violence Act (“SaVE Act”) and the Clery Act, the Dean of Students has a duty to report certain sexual misconduct, including rape, fondling, statutory rape, and incest, as well as aggravated assaults, hate crimes, domestic violence, dating violence and stalking, and other crimes for federal statistical reporting purposes. Personally identifiable information is kept confidential, but statistical information must be passed along to campus law enforcement regarding the type of incident and its general location (e.g. the College must report whether the incident happened on or off campus, but no specific addresses are given), for publication in the annual Campus Security Report. The Report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

Reporting a Sexual Misconduct Complaint or Report
Complainants and witnesses are encouraged to report Sexual Misconduct as soon as possible in order to maximize the College’s ability to respond promptly and effectively. By reporting the sexual misconduct, you help protect yourself and others from future victimization. Reporting an issue is the best way for the College and the community to help an individual receive the resources, support and accommodations available to them. Reporting the incident is separate step from choosing to go through the College conduct process. At the time a report is made, a Complainant does not have to decide whether to not to request any particular course of disciplinary action, or whether to proceed with any disciplinary action at all. The complainant will also be provided with a written document explaining the process, his/her rights and options, and available resources.
An incident of Sexual Misconduct does not have to occur on campus to be reported to the College. Furthermore, the College understands that some incidents of Sexual Misconduct involve interactions between only the Complainant and the Respondent and are not witnessed by other people. Lack of corroborating evidence or witness accounts should not discourage individuals from reporting Sexual Misconduct. Reports of Sexual Misconduct will be assessed, investigated, and decided appropriately even when the only individuals involved are the Complainant and the Respondent.

The College knows that the decision whether or not to report Sexual Misconduct is personal and that there are many barriers, both individual and societal, to reporting. The College will approach the initial assessment of any report with a sincere effort to understand the perspective and experiences of each individual involved. College officials will make every effort to respect a Complainant’s autonomy in making decisions and provide support that will allow a Complainant to provide a full, detailed and accurate report that will aid College officials in assessing the Complaint.

The College recognizes that some forms of Sexual Misconduct may also be crimes under Iowa criminal statutes. Students always have the option of reporting incidents to local police officials, and if desired, the College will assist you in notifying law enforcement authorities. You may also decline to notify such authorities. If you report the incident to local law enforcement or to the College, you do not have to press charges in either arena against the accused student (Respondent). Neither law enforcement’s determination whether or not to prosecute a Respondent, nor the outcome of any criminal proceeding, are determinative of whether the College can or will determine that Sexual Misconduct has occurred under this Policy. Proceedings under this Policy can be carried out prior to, simultaneously with, or following any civil or criminal proceedings in the courts, though a pending criminal investigation does not relieve the College of its responsibilities under the law.

If the accused is a Coe student, the Dean of Students will notify the accused/Respondent that an alleged incident of sexual misconduct has been reported to the College against him or her. During this conversation between the Respondent and the Dean of Students, a Complainant may choose not to have her/his identity divulged. Depending on the level of information available and a Complainant’s willingness to divulge her/his identity, anonymity may impact the College’s ability to respond or pursue appropriate action. Where a Complainant requests that her/his name or other identifying information not be shared with the Respondent, the College will balance this request with a Respondent’s right to confront his/her accuser and to know the allegations being charged against them and respond before corrective action may be taken against them, as well as with the College’s obligation to provide a safe and non-discriminatory environment for all College community members. The Sexual Misconduct Coordinator is the person responsible for evaluating requests for confidentiality. The Sexual Misconduct Coordinator may consult with other appropriate College officials and legal counsel as necessary when analyzing such a request.

If a Complainant chooses to divulge her/his identity, it is typical that the Dean of Students will place a “no-contact” order on the Respondent. This ensures that the Respondent would no longer be able to interact with the Complainant while the investigation and resolution is pending.

The final determination of how to proceed and what method of resolution is appropriate once a Complaint has been filed and initially assessed will be left to the College. However, unless there is an immediate threat to the community or a minor is involved, the Complainant can help set the pace and can help make decisions about how best to proceed as the investigation and Complaint and disciplinary process moves forward. The College will, to the best of its ability, consider the interest of the Complainant and her/his expressed preference for the manner of resolution, but at all times the College reserves the right to initiate an investigation even if a complainant prefers otherwise in limited circumstances involving serious or repeated conduct or where the alleged perpetrator may pose a continuing threat to the College community. If the College determines a course of disciplinary action or resolution that is less severe than the wishes of the Complainant, the Complainant may request further or heightened disciplinary action, which the College will consider. A Complainant always has the right to request the College initiate an Investigation under the formal procedures outlined in this Policy. Where the College determines that action should be taken that is inconsistent with the preference of the Complainant, the College will inform the Complainant of the chosen course of action. In that case, a Complainant will be encouraged, but not required, to participate in any investigation, administrative proceeding, or appeal.

Once a complaint is made, the College will endeavor to conclude its processes and reach a resolution within sixty (60) calendar days, though this timeframe may be extended if necessary based on the circumstances surrounding the complaint. This timeframe does not include any appeals that are filed. Both parties will be notified if the process will extend beyond 60 calendar days, and they will also be given periodic updates throughout the process.

**Initial Assessment of a Sexual Misconduct Complaint or Report**

The Sexual Misconduct Coordinator, working with other Title IX Coordinator and other administrators, will ensure that the College responds to every Sexual Misconduct Complaint or Report in a timely, effective, and consistent manner and treats every individual with respect.

The first step in response to a Sexual Misconduct Complaint or Report is an Initial Assessment. The Initial Assessment will consider the nature of the report, the Complainant’s preferences for resolution, and the most appropriate course of action given the information available at this early stage. The appropriate course of action may change over time, as further information gathering,
The final decision on the course of action will be made by the Sexual Misconduct Coordinator, the Title IX Coordinator, or another designated official. At the Initial Assessment stage, and throughout any investigation or disciplinary proceeding, only those who “need to know” are given information about the issues.

**Advisor/Support Person**

Complainants and Respondents are entitled the same opportunities to consult with and be accompanied by a chosen Advisor/Support Person of their choice throughout each and every step in the Sexual Misconduct disciplinary proceeding process. This includes assistance in the preparation of any written materials or submissions, attending any in person meeting with Investigators or other College personnel, and attending any formal or informal proceeding that may take place. However, an Advisor/Support Person may not actively participate in any meeting or proceedings. The Advisor/Support Person may be any individual, including an attorney, who is not a witness or otherwise involved in the events that are at the subject of the Complaint or is otherwise involved in the disciplinary process under this Policy. It is very important that the Advisor/Support Person not also be a witness, as it may jeopardize the ability for the College to conduct any investigation or proceeding to reach a resolution under this Policy. The Advisor/Support Person may not contact the other party or potential witnesses without express written authority from the Sexual Misconduct Coordinator. The Complainant or Respondent may change their Advisor/Support Person at any point during the process, but must notify the College of such change, and the College will notify the other party of such change. The College reserves the right to dismiss an Advisor/Support Person who is disruptive to the proceedings or who does not abide by the restrictions in this Policy. It is expected that any Advisor/Support Person will understand and abide by the expectations of privacy involved in the proceeding and will act with appropriate decorum at all stages. An Advisor/Support Person will be asked to sign an affirmation that he or she understands his or her role in the process.

**Notice to Respondent of a Sexual Misconduct Complaint and/or Investigation**

The Dean of Students or his/her designee will notify, in person and in writing, the Respondent that a Complaint has been filed against him/her, the name of the Complainant (unless she/he has expressly requested to remain anonymous), the nature of the allegations in the Complaint, and, if it is known at that time, how the case will proceed. During this initial meeting with the Dean of Students and/or his/her designee, the Respondent will have the opportunity to review the sexual misconduct charge, provide information about the incident and accept or deny responsibility for the violation. During this or a subsequent meeting, the Dean of Students, Sexual Misconduct Coordinator, or his/her designee, will review the procedures used in cases of sexual misconduct and inform the Respondent of the Accused Student Resource Person who is available to answer questions about sexual misconduct complaints and provide support to the Respondent. If a student Respondent fails to respond to a request to schedule a meeting, the investigation will proceed without their participation.

Respondents in a sexual misconduct Investigation and Administrative Review proceeding are expected to participate in the Investigation and Administrative Review proceeding process. The Investigation and Administrative Review proceeding will still occur even if a Respondent chooses not to participate, chooses to leave or withdraw from Coe College, or is no longer a student at Coe College. If a Respondent has left or withdrawn while an investigation is pending, the final Resolution of the Complaint will come into effect if the Respondent returns to Coe College at any time. If the Respondent graduates before the Investigation or Administrative Review proceeding occurs or before the final Resolution of the Complaint is determined, the Respondent may not be able to receive their diploma until the process if finalized.

**Acceptance or Denial of Responsibility by Respondent**

If, at any time after they are informed of the allegations against them, including during the investigation or administrative proceeding, the Respondent accepts responsibility for violating the Sexual Misconduct Policy, the administrative proceeding representative, in consultation with the Title IX Coordinator and/or the Vice President for Student Development, will determine the sanctions to be assigned, if appropriate. Since such action results in the Complaint being resolved, an investigation may not be necessary but may still continue depending on the details of the incident, if it is deemed warranted.

If the Respondent denies responsibility for violating the Sexual Misconduct policy, the College will initiate the process for investigation and administrative resolution outlined below.

**Interim Measures and Protecting the Complainant**

After a Complainant files a Sexual Misconduct Complaint or Report, the College may impose reasonable and appropriate interim measures that will assist or eliminate the alleged hostile environment and protect the parties involved. Interim Measures may be both remedial and/or protective. The College will maintain the privacy of any interim measures imposed to the extent possible and will maintain constant contact with the parties to ensure that any interim measures imposed remain appropriate and effective to ensure the physical and emotional health and safety of those involved.

A Complainant may request specific Interim Measures when making a Sexual Misconduct Complaint or Report or at any point during the process, or may request the College impose Interim Measures generally. Such interim measures include assisting and allowing the complainant to change his/her academic, transportation, living, or work situation, to the extent that the College has
control over these environments, if options to do so are reasonably available. The College is obligated to provide these if they are reasonably available, regardless of whether a report has been made to local law enforcement. Requests for any interim measure should be made to the Sexual Misconduct Coordinator. The College will maintain as confidential any interim measures to the extent maintaining confidentiality does not impair the College’s ability to provide them. If necessary to disclose personal information to provide an interim measure, the College will endeavor to notify the complainant before doing so.

The College may also impose Interim Measures of its own volition.

Potential Interim Measures include, but are not limited to:
- Access to medical or counseling services on and off campus;
- Imposition of a College No-Contact Order;
- Assistance in obtaining a Civil Protection Order;
- Facilitating a meeting with law enforcement;
- Rescheduling of exams and assignments;
- Providing alternative course completion options;
- Changing class schedules or transferring sections, including the ability to drop a course without penalty;
- Changing work or job assignments or schedules;
- Changing or removal from a student’s College-owned residence;
- Assistance in other relocation;
- Limiting an individual or organizations’ access to College facilities or participation in College activities;
- Voluntary leave of absence;
- Providing an escort to and from classes, work, home or activities;
- Providing academic support services;
- Interim suspension pending the final outcome of a Formal Resolution process;
- Any other remedy that can be tailored to the individuals involved.

When separating the respondent and the complainant, it is Coe’s practice to minimize the burden on the complainant. As such, complainants are typically not removed from classes, housing, or student organizations and changes or restrictions may be made to the respondent’s participation in classes, housing, or student organizations if necessary. However, the college will change a complainant’s academic and/or living situation after an alleged offense at the request of the complainant given that the space is reasonably available.

Interim suspension will only be imposed where the alleged Sexual Misconduct poses an ongoing threat of harm to the safety or wellbeing of an individual or members of the College community. Interim suspension means an individual or group will be denied access to the College campus. During an interim suspension, an individual may continue his/her coursework or activities unless specifically and affirmatively allowed to do so. When interim suspensions are imposed, the College will make all reasonable efforts to complete any Investigation and Formal Resolution proceedings within an expedited time frame, when possible.

Additionally, if a complainant has obtained an ex parte order of protection, full order of protection, or any other temporary restraining order or no contact order against the alleged perpetrator from a criminal, civil, or tribal court, the complainant should provide such information to the Sexual Misconduct Coordinator. The College will take all reasonable and legal action to implement the order.

Complainant and Respondent Separation
While every effort will be made during the process to keep the Complainant and the Respondent physically separated from each other, if the Complainant and Respondent need to be in the same room or location during the Investigation or Administrative Review Proceeding process, or Formal or Informal Disciplinary process, the College does provide options for allowing confrontation without direct contact (e.g. closed-circuit testimony or using a room divider).

Recording of Investigations, Interviews, Meetings and other Proceedings
The College may, at its discretion record any investigations, interviews, meetings or any other in person proceedings that occur during the course of any disciplinary action, including during any initial assessment, informal resolution, investigation, formal resolution, or appeal. Upon confirmation by the party recorded that any summary of the recorded event is truthful and accurate, the recording will, at the College’s discretion, be destroyed.

Informal Resolution of Sexual Misconduct Complaints
Informal means of resolution, such as mediation, may be used in lieu of the formal investigation and determination procedure or, in some circumstances, utilized even after the formal process has already commenced. The following standards apply to any informal resolution method that is utilized:
• The informal process can only be used with both parties’ voluntary cooperation and appropriate involvement by the
institution (e.g., the Sexual Misconduct Coordinator and/or Title IX Coordinator).
• The complainant will not be required to “work out” the problem directly with the respondent.
• Either party may terminate the informal process at any time and elevate the complaint to the formal investigation
procedures described below.
• Informal resolution in the form of mediation, even on a voluntary basis, will not be used to resolve complaints alleging
sexual assault.

Informal Resolution can include, but is not limited to, options such as the following:

• Jointly meeting informally with the Complainant and Respondent in order to find a mutually agreeable solution;
• A representative from the College meeting with the Respondent individually in an effort to act as an intercessor on behalf of the
Complainant;
• Voluntarily agreed upon Separation of the Complainant and Respondent;
• Referral of the parties or party to counseling programs;
• Conducting educational and/or training programs; or
• An agreement for corrective action.

When a complaint has been informally resolved, parties will be asked to sign a document acknowledging the mutually agreed upon
resolution.

**Formal Investigation of Sexual Misconduct**

If Formal Disciplinary action is pursued, the allegation of sexual misconduct will be fully investigated and resolved via the process
appropriate to the Respondent’s affiliation with the College. If the case involves an employee of the College, the Director of Human
resources will be involved in the processes listed below. The purpose of the Investigation is to determine and establish whether
there is a basis for believing that it is more likely than not that the violations alleged in the Complaint have occurred.

The College will be prompt, fair, and impartial in its Investigation and resolution of sexual misconduct reports, and all College
officials involved will discharge their obligations under these procedures fairly and impartially. Identified conflicts of interest will be
addressed and, if necessary, other appropriate individuals will be designated to fill the role of the conflicted official.

Sexual Misconduct Investigations are conducted by trained investigators or other officials who receive annual training on issues
related to sexual misconduct and how to conduct an investigation and disciplinary process that protects the safety of and promotes
accountability of Complainants, Respondents, and the institution.

The Sexual Misconduct Coordinator will choose two Investigators to review and investigate all details of the case. The Investigators
are trained staff, faculty, or attorneys that will be chosen based on availability and knowledge of the case. When possible, the
Investigators will be comprised of representatives of more than one gender. The Sexual Misconduct Coordinator can serve as an
Investigator, as deemed appropriate, and will serve to facilitate the investigation and Administrative Review process. Both the
Complainant and the Respondent may petition, in writing, to the Sexual Misconduct Coordinator to have any Investigator removed
on the basis of bias or a conflict of interest. In the event that any Investigator needs to be removed for any
reason, alternative Investigators will be selected by the Dean of Students. If a Sexual Misconduct Complaint is filed during the
summer, or is based on events that occur during the summer, members of the previous academic year’s investigation teams will be
called to serve as Investigators.

At the outset of the Sexual Misconduct Complaint Investigation, the Complainant and Respondent are both given the opportunity to
submit a written statement regarding the incident/allegations, including identifying potential witnesses or those who may have
relevant information about the investigation (the “Incident Statement”). These Incident Statements will be provided to the
investigator and are accessible to each party for review upon request.

Any party receiving any written statements, including the Incident Statement, or information gathered during the investigation must
keep such written material or information confidential and may not disclose to any person or by any electronic or public means any
written material or information without the consent of the Complainant, the Respondent and the College. Any written material or
information received by any party in the course of the Sexual Misconduct Investigation or Administrative Review Proceedings must
be returned to the College upon final resolution of the Sexual Misconduct Complaint. Failure to return written material or
information may result in separate disciplinary action under the appropriate Conduct Code Policy sections.

During the Investigation, both the Respondent and the Complainant may name relevant witnesses that may be interviewed by the
Investigators, if the Investigators believe an interview is warranted. Witnesses must have observed the acts in question or have
information relevant to the incident and cannot be participating solely to speak about an individual’s character. Generally, each party has a right to know the witnesses identified by the other party. However, if there are compelling safety reasons, a witness’ identity may not be revealed to the Respondent.

In addition to providing written Incident Statements to the Investigators, the Investigation may involve in person interviews with the Complainant, the Respondent, or other identified witnesses. These interviews will be kept confidential and private and will be conducted by an Investigator on a one-on-one basis. The first investigatory interviews will be scheduled as soon as possible in order to capture as much timely information as possible.

Also during the investigation, the parties are encouraged to provide any other relevant evidence that they wish to provide, including, but not limited to, correspondence between the parties and physical evidence. Before the Investigation closes, the Complainant may, in addition to the initial written Incident Statement, write a Victim-Impact Statement. The Victim-Impact Statement will provide the Investigators with information about the incident and provide the Complainant an opportunity to express the impact of the alleged sexual misconduct.

Before the investigation closes, the Respondent may write a Responsive Statement that provides information on the incident in light of the allegations made by the Complainant. This written Responsive Statement is in addition to any initial written Incident Statement provided by the Respondent.

The Advisor can be a trained Victim Advocate through a community agency such as the Riverview Center. If the Advisor is an attorney, the student must give the Sexual Misconduct Coordinator seven days' notice of their attendance at any meeting so the College can have legal counsel present as well. Advisors are able to speak to their advisees only and cannot speak directly to the Investigators. Advisors are not permitted to speak to, question, or otherwise communicate with other parties or witnesses during the course of any Investigation or Administrative Review process.

At the conclusion of the Investigation, the Investigators will prepare a written Investigation Summary Report based on interviews with the Complainant, Respondent and witnesses and other materials reviewed. In order to prevent the students involved from having to recall their experience more times than necessary, the Investigators will attempt to include all relevant information in their Investigation Summary Report. The Investigation Summary Report will provide detailed factual information, will identify potential Policy violations, and will assess areas of agreement and disagreement between the parties, witnesses and other available information. While the Investigators may identify possible Policy violations, the Investigators do not make any findings or determinations of responsibility. Investigators may, however, include recommendations for responsibility and sanctioning as a part of their Investigation Summary Report.

The Complainant and the Respondent will both have an opportunity to review the Investigation Summary Report. The College will notify each party simultaneously in writing when the Investigation Summary is available and the party may review, access and obtain copies of the Investigation Summary Report at a time and place designated by the College. The Complainant and the Respondent may provide written comments within five (5) business days after the receipt of the Investigation Summary Report. This review period may be extended for good cause shown by either party. The College may request and/or require an Investigator conduct additional investigation or follow-up as appropriate, based on the written comments of the parties. If follow-up is appropriate, the Investigation Summary Report may be amended to reflect additional information or to make necessary edits or corrections, as appropriate.

The finalized Investigation Summary Report is then submitted to the Dean of Students.

**Formal Resolution: Complaint Administrative Review Proceeding and Resolution**

Following review by the Dean of Students, the Complaint will progress to an Administrative Review Proceeding. The College will appoint an Administrative Review Proceeding Panel of three (3) individuals comprised of one faculty member, one staff member, and one student to oversee the Administrative Review Proceeding and to make findings and determine whether the Respondent is responsible for a violation of the Sexual Misconduct Policy. If the Respondent is found responsible for violating the Sexual Misconduct Policy, the Administrative Review Proceeding Panel, in consultation with the Title IX Coordinator and/or Vice President for Student Development, will determine the consequences and/or sanctions to be imposed.

If the Respondent or Complainant has reason to believe that any member of the Administrative Review Proceeding Panel has a perceived bias or conflict of interest, they can submit, in writing to the Sexual Misconduct Coordinator, a request to change any member of the Administrative Review Proceeding Panel at any point in this process. This request will be reviewed by the Sexual Misconduct Coordinator and Vice President for Student Development and, if necessary, another panel member will be designated.

The Administrative Review Proceeding will be conducted in the following manner:

- The Administrative Review Proceeding Panel will receive all investigation materials from the Investigators for review. These materials include any statements, interviews, and material evidence submitted during the investigation process, as well as the Investigation Summary Report.
• The Administrative Review Proceeding Panel, or its designee, may request more information from any parties/students, including the Complainant, the Respondent, or identified witnesses, involved in the case.

• The Administrative Review Proceeding Panel may conduct additional interviews with the Complainant, the Respondent, and/or identified witnesses. Both parties will be notified of all additional interviews conducted. The Administrative Review Proceeding Panel may need to conduct further interviews will all individuals or only some individuals involved. Alternatively, the Administrative Review Proceeding Panel may not need to speak to the Complainant, the Respondent, and/or identified witnesses involved in order to make a decision.

• After gathering and reviewing all evidence, the Administrative Review Proceeding Panel will make a determination as to whether a violation of the sexual misconduct policy has occurred. The burden of proof is the preponderance of evidence. This standard is the same as applied in civil trials and the standard required by the United State Department of Education Office for Civil Rights. Under this standard, responsibility is determined on a “is it more likely than not” basis.

• Within 24 hours of the conclusion of the Administrative Review Proceeding, the Administrative Review Proceeding Panel will simultaneously notify the Complainant and the Respondent in writing that a determination has been made, and what, if any, sanctions will be imposed on the Respondent (if applicable). In the event that the Respondent is found to have violated a policy, the Complainant will be informed of any sanctions that are directly related to the Complainant (e.g., no contact order, suspension of Respondent), but may not be informed of sanctions that do not directly affect the Complainant.

• Any sanctions will be imposed on the Respondent in accordance to the seriousness of the behavior. Sanctions may range from written reprimand to expulsion from the College, as further explained below in this policy.

The outcome of an Administrative Review Proceeding is part of the educational record of the Respondent, and is protected from release under federal law - FERPA, as outlined above. However, the College observes the legal exceptions as follows:

• Complainants in non-consensual sexual contact/intercourse, sexual exploitation, sexual harassment, stalking, and relationship violence incidents have an absolute right to be informed of the outcome and sanctions of the Administrative Review Proceeding, in writing, without condition or limitation.

Students who bring any sort of sexual misconduct complaint against faculty or staff may be informed of the outcome and sanction without limitation, because FERPA does not apply to faculty or staff information.

**Remedies, Enforcement, and Sanctions**

If, during the procedures outlined above, Coe College determines that Sexual Misconduct has occurred, the College will, as quickly as is reasonable, take such action as is appropriate to eliminate the hostile environment, prevent its recurrence, and address its effects. The enforcement, including remedies and sanctions, will be based on the nature of the incident, any prior conduct violations, sanctions resulting from prior, similar cases, and any other relevant facts. Depending on the severity of the case, typical sanctions may include but are not limited to:

• Oral or written reprimand.
• Required compliance: carrying out of a College regulation or administrative directive, such as educational activity or counseling, as a condition for avoiding further disciplinary action and/or remaining in good standing.
• Fines or restitution: reimbursement for damage to or misappropriation of property. May also take the form of College service or other compensation and may be combined with other sanctions.
• Community service: assignment to work on or off-campus.
• No Contact Orders.
• Removal from College housing.
• Disciplinary warning: written notice that continuation of misconduct in general or repetition of specified conduct has been found unacceptable within the specified period of time stated in the warning. Failure to comply may be cause for further disciplinary action.
• Disciplinary probation: the most severe and serious warning a student may receive and still remain enrolled in the College. During the period of probation the student may not hold office in recognized student organizations or may lose other designated privileges (i.e. on campus job). Violation of the terms of disciplinary probation or the infraction of any College regulation during the probation period may be grounds for suspension or expulsion.
• Suspension: separation from the College for a specified period of time, usually the remainder of the term. Readmission must be applied for and may be contingent upon compliance with specific conditions. Appeal for suspension is to the Hearing & Appeals
• Expulsion: termination of enrollment for an indefinite period. The conditions of readmission, if any, shall be stated in the notice of expulsion. Appeal is to the Hearing & Appeals Board.

• Any other available and appropriate sanction, as set forth in the Student Reference Book.

Appeal of the Administrative Review Proceeding Decision

Either the Complainant or the Respondent has the right to file an appeal of the resolution of the Administrative Review Proceeding. In order to appeal, a written letter stating the purpose of the appeal must be submitted to the Vice President for Student Development’s office within seven (7) days of receiving the determination letter from the Administrative Review Proceeding Panel. The Appeal Letter shall consist of a concise and complete written statement of the grounds for the Appeal. The Appeal Letter may be submitted either electronically or by mail.

Appeals will only be considered if made on one or more of the following grounds:

• Newly discovered evidence, not available at the time evidence was presented to the Administrative Review Panel, would result in a different outcome;

• Procedural errors that had a material impact on the outcome; or

• Fairness of sanctions (a student may appeal specific sanctions while accepting other sanctions)

Appeals of the Administrative Review Proceeding Panel’s decision shall be heard by the Conduct Hearing & Appeals Board. The Board is comprised of three individuals which include one faculty member, one staff member, and one student. All members of this Board will be different from the members of the Administrative Review Proceeding Panel. Based on the appeal letter, the Hearing & Appeals Board may deny the appeal without further consideration if it was not timely filed and/or not made on appropriate grounds. If the Hearing & Appeals Board determines that an Appeal should be accepted, it will notify both parties. If the Appeal is accepted, the non-appealing party must be given an opportunity to respond in writing to the other party’s appeal. Any response by the non-appealing party must be submitted within seven (7) days of the receipt of the notice of appeal. Any written appeals or response statements will be sent to the opposing party.

Once an Appeal has been accepted, the Hearing & Appeals Board may review the Appeal Letter, any responses, and the record of the Investigation and the Administrative Review Proceeding. The Hearing & Appeals Board may also request additional interviews with the Complainant, the Respondent, or identified witnesses. Upon such review, the Hearing & Appeals Board can affirm the original findings, alter the findings, and/or alter the outcome depending on the basis of the appeal. If the Hearing & Appeals Board finds that new evidence is available or that procedural errors occurred, it can remand the case to the Administrative Review Proceeding Panel for reconsideration, with instructions.

In its discretion, the Hearing & Appeals Board can schedule an in-person appeal hearing with the Complainant and the Respondent present. An in-person appeal hearing will be scheduled for no sooner than the expiration of any appeal response deadline, or no sooner than 48 hours after receipt of any appeal response statements submitted by either party, whichever is later. In the event the Hearing & Appeals Board determines that an in-person appeal hearing is warranted, both parties will be notified in writing of the time and place of the in-person appeal hearing and both parties will be permitted to be present and make a statement at the in-person appeal hearing. The appellant (the appealing party) will make their statement first, followed by the appellee (the non-appealing party). The Hearing & Appeals Board will determine whether a responsive statement by the both parties will be permitted. The Hearing & Appeals Board is free to ask questions of either party during the in-person appeal. The parties will not be permitted to question the other party. Both parties can issue questions to the Board they wish to be asked of the other party and the Board can deem whether or not the question is appropriate to be asked.

All the decisions by the Hearing & Appeals Board shall be final and binding on the parties. The parties will be simultaneously notified of the decision of the Hearing & Appeals Board in writing within 3 days of a decision being made, and this notification will include any changes that may have been made to the prior decision.

Additional Provisions of the Sexual Misconduct Policy

College as Complainant

As necessary, the College reserves the right to initiate a Complaint, to serve as Complainant, and to initiate conduct proceedings without a formal complaint by the victim of misconduct.

False Reports

The College will not tolerate intentional false reporting of incidents. It is a violation of the Student Code of Conduct to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws. This Policy does not apply to reports made or information provided in good faith, even if the facts alleged in a Complaint or Report are not later substantiated.
Immunity for Victims
The College encourages the reporting of conduct code violations, especially sexual misconduct. Sometimes, victims are hesitant to report to College officials because of fear that they themselves may be charged with policy violations (e.g., underage drinking at the time of the incident). It is in the best interest of the Coe community that as many victims as possible choose to report to College officials. To encourage reporting, the College pursues a policy of offering victims of sexual misconduct limited immunity from being charged with policy violations ancillary to the sexual misconduct incident. While violations cannot be completely overlooked, the College will provide educational options rather than punishment. Do note, however, that the College’s commitment to immunity does not prevent law enforcement authorities from pursuing violations of the law.

Good Samaritan
The welfare of students in our community is of paramount importance. At times, students on and off-campus may need assistance. Coe encourages students to offer help and assistance to others in need. Coe seeks to discourage an environment where students are hesitant to offer assistance to others, for fear that they may get themselves in trouble (for example, as student who has been drinking underage might hesitate to help take a sexual misconduct victim to Campus Security). To that end, Coe pursues a policy of limited immunity for students who offer help to others in need. While policy violations cannot be overlooked; in most circumstances, the College will provide educational options, rather than punishment, to those who offer their assistance to others in need. Do note, however, that this Good Samaritan provision does not prevent law enforcement authorities from pursuing violations of the law.

Past Sexual History/Character
The past sexual history or sexual character of a party will not be admissible by any party during any of the procedures outlined above to determine whether sexual misconduct has occurred in the incident at issue. All such information sought to be admitted will be presumed irrelevant, and any request to overcome this presumption by the parties must be included in the complaint/response or a subsequent written request, and must be reviewed in advance of the Administrative Review Proceeding by the Panel. Previous conduct violations by the Respondent are not generally admissible as information about the present alleged violation, but the Sexual Misconduct Coordinator may supply previous complaint information to the Administrative Review Proceeding Panel for purposes of imposing appropriate sanctions should the Respondent be found in violation of the sexual misconduct policy. Such information should only be included if:

- The accused was previously found to be responsible;
- The previous incident was substantially similar to the present allegation;
- Information indicates a pattern of behavior and substantial conformity with that pattern by the Respondent.

Rights of the Alleged Victim/Complainant
As a member of the Coe community, it is important for you to understand your rights as an alleged victim. These rights include but are not limited to the following:

- The right to have any and all incidents of sexual misconduct committed against you treated with seriousness;
- The right to be free from any kind of pressure from campus personnel that you should (i) not report crimes committed against you to civil and criminal authorities, campus security and disciplinary officials; or (ii) report crimes as lesser offenses than the victims perceives them to be;
- The right to be free from any kind of suggestion that campus sexual misconduct victims not report or underreport crime because (i) victims are somehow responsible for the commission of crime against them; (ii) victims were negligent or assumed the risk for being assaulted; or (iii) by reporting crimes they would incur unwanted personal publicity.
- The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to College administrators;
- The right to be treated with respect and dignity by College officials;
- The right to have others present (in support or advisory roles) during an initial assessment, investigation, or during any part of any campus disciplinary proceeding outlined in this Policy;
- The right not to be discouraged by College officials from reporting sexual misconduct to both on-campus and off-campus authorities;
- The right to be informed of the outcome and sanction of any disciplinary proceeding involving sexual misconduct, usually within 48 hours of the end of the proceeding;
- The right to be informed by College officials of options to notify proper civil and criminal authorities, including Campus Security and the Cedar Rapids Police Department, and the option to be assisted by campus administrators in notifying such authorities, if the student so chooses. It also includes the right not to report, if this is the victim’s desire;
- The right to be notified of available counseling, mental health or student services for victims of sexual misconduct, both on campus and in the community;
- The right to notification of, options for, and available assistance in, changing academic, working, transportation, and living situations after an alleged sexual misconduct incident, if so requested by the victim and if such changes are reasonably available (no formal complaint, or investigation, campus or criminal, need occur before this option is available). Such options may include:
• The right not to have irrelevant prior sexual history admitted as evidence in a campus Administrative Review Proceeding;
• The right to make a victim-impact statement during the Investigation or the Administrative Review Proceeding process and to have that statement considered by the board in determining its sanction;
• The right to a request, and have granted where the College deems it appropriate, a campus “no contact” order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student or others;
• The right to be made aware of, and assisted in, exercising any options, as provided by the state and federal laws or regulations, with regard of mandatory testing of sexual assault suspects for communicable diseases, and with regard to notification of victims of the results of such testing;
• The right to appeal the finding and sanction of the Administrative Review Proceeding Panel;
• The right to review, upon request, all documentary evidence available regarding the complaint, subject to the confidentiality limitations imposed by state and federal law and this Policy, prior to any written statement being due, any in person investigatory interview, or any other meeting, interview, statement or proceeding contemplated in this Policy;
• The right to be informed of the names of all witnesses identified who will be interviewed, provide statements, or otherwise participate in any proceedings or processes contemplated in this Policy, except in cases where a witness’ identity will not be revealed to the Respondent for compelling safety reasons. Unless a Complainant specifically requests to remain anonymous, the name of the alleged victim/Complainant, will generally be revealed. If the Complainant requests anonymity, her/his Complaint is subject to the limitations enumerated in this Policy;
• The right to preservation of confidentiality, to the extent possible and allowed by law;
• The right to disciplinary proceedings closed to the public;
• The right to petition that any Investigator or Administrative Review Proceeding Panel member be removed on the basis of demonstrated bias or conflict of interest;
• The right to bring an Advisor/Support Person to all phases of the investigation and Informal or Formal Disciplinary Proceeding. The Advisor may not take part directly in any Investigation or Administrative Review Proceeding itself, though they may communicate with the Complainant as necessary. The Advisor may not contact or communicate, directly or indirectly, with the Respondent or any identified witness. If the Advisor/Support Person is an attorney, the Complainant must give the Sexual Misconduct Coordinator at least seven (7) days’ notice so the College can have legal counsel present, if warranted;
• The right to give testimony or provide statements in an investigation by means other than being in the same room with the Respondent;
• The right to identify relevant witnesses during the campus investigation process;
• The right to be fully informed of campus conduct rules and procedures;
• The right to have the College reasonably compel the presence of student, faculty and staff witnesses;
• The right to challenge documentary evidence or testimony presented by witnesses or the Respondent;
• The right to review all testimony given and evidence presented during the investigation and Administrative Review Proceeding;
• The right to have Complaints heard by Administrative Review Proceeding Panel members who have received appropriate sexual misconduct review training;
• The right that representatives of both genders be involved in the investigation and resolution of a complaint;
• The right to have College policies and procedures followed without material deviation;
• The right to be informed in advance, when possible, of any public release of information regarding the Complaint;
• The right not to have released to the public any personal information about the Complainant, without his or her consent;
• The right to full and prompt cooperation from campus personnel in obtaining and securing and maintaining evidence (including a medical examination) as may be necessary to the proof of criminal sexual assault in subsequent legal proceedings.

Rights of Respondent (Accused Student)
As a member of the Coe community, it is important for you to understand your rights as a Respondent. These rights include but are not limited to the following:
• The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made in good faith to College administrators against the Respondent;
• The right to be treated with respect by College officials;
• The right to be informed of and have access to campus resources for medical, counseling, and advisory services.
• The right to be fully informed of the nature, rules and procedures of the campus conduct process and to timely written notice of all alleged violations within the Complaint, including the nature of the violation and possible sanctions;
• The right not to have irrelevant prior sexual history admitted as evidence in a campus Administrative Review Proceeding;
• The right to make a statement during the Investigation and to have that statement considered by the Administrative Review Proceeding Panel in determining the sanction;
  • The right to make a responsive statement during the Investigation or the Administrative Review Proceeding process and to have that statement considered by the board in determining its sanction
• The right to appeal the finding and sanction of the Administrative Review Proceeding Panel;
• The right to review, upon request, all documentary evidence available regarding the complaint, subject to the confidentiality limitations imposed by state and federal law and this Policy, prior to any written statement being due, any in person investigatory interview, or any other meeting, interview, statement or proceeding contemplated in this Policy;
• The right to be informed of the names of all witnesses identified who will be interviewed, provide statements, or otherwise participate in any proceedings or processes contemplated in this Policy, except in cases where a witness’ identity will not be revealed to the Respondent for compelling safety reasons. Unless a Complainant specifically requests to remain anonymous, the name of the alleged victim/Complainant, will generally be revealed. If the Complainant requests anonymity, her/his Complaint is subject to the limitations enumerated in this Policy;
• The right to disciplinary proceedings closed to the public;
• The right to petition that any Investigator or Administrative Review Proceeding Panel member be removed on the basis of demonstrated bias or conflict of interest;
• The right to have the College reasonably compel the presence of student, faculty and staff witnesses;
• The right to review all testimony given and evidence presented during the investigation and Administrative Review Proceeding;
• The right to challenge documentary evidence or testimony presented by witnesses or the Complainant;
• The right to have Complaints heard by Administrative Review Proceeding Panel members who have received appropriate sexual misconduct review training;
• The right to have College policies and procedures followed without material deviation;
• The right to have an Advisor/Support Person to accompany and assist in the campus Disciplinary process. The Advisor may not take part directly in any Investigation or Administrative Review Proceeding itself, though they may communicate with the Respondent as necessary. The Advisor/Support Person may not contact or communicate, directly or indirectly, with the Complainant or any identified witness. If the Advisor/Support Person is an attorney, the Respondent must give the Sexual Misconduct Coordinator at least seven (7) days’ notice so the College can have legal counsel present, if warranted;
• The right to a fundamentally fair Investigation and Disciplinary proceeding and process;
• The right to a campus conduct outcome based solely on evidence presented during the conduct process. The evidence shall be credible, relevant, based in fact, and without prejudice;
• The right to written notice of the outcome and sanction of the Administrative Review Proceeding;
• The right that representatives of both genders be involved in the investigation and resolution of a complaint;
• The right to be informed in advance, when possible, of any public release of information regarding the Complaint.

Prevention and Risk Reduction
It can be difficult to discuss sexual expectations with someone—especially when it is early on in a relationship. However, both men and women must take responsibility to prevent sexual misconduct.

Listed below are risk reduction and prevention tips for men and women. Although no single method will make you immune from rape or assault, there are steps you can take to avoid potentially damaging situations. Additionally, the failure to mitigate one’s risk for sexual misconduct does not release a perpetrator from the culpability of having committed sexual misconduct.

Responsibilities for Both Men and Women
• Get to know your partner and discuss sexual expectations before you find yourself in an intimate situation—don't let sex "just happen."
• Set limits. Your body belongs to you and you have the right to set sexual limits for yourself.
• Clearly communicate your desires and limits. Don’t make assumptions.
• Avoid excessive use of alcohol and illicit drug use.
• Be assertive. If you say “no,” say it clearly.
• Listen—and hear. Being told “no” is not a rejection of you as a person. You can also say “no.”
• Pay attention to your non-verbal actions.
• Accept your partner’s decision. Don’t try to coerce or manipulate.
• Understand and accept that you are responsible for your behavior and choices.
• Trust your instincts. If you think something is wrong, you are probably right. Get out of the situation immediately.
**Incapacitated Sexual Conduct**

If you choose to drink or use drugs, the likelihood you will remember to consider the above responsibilities is greatly reduced. Thus, you run the risk of impaired thinking and communication. However, being drunk is never an excuse for raping or assaulting someone, and it precludes one from giving affirmative consent.

Alcohol is not the only drug that can facilitate unwanted sex. There are drugs that have come to be known as “date rape drugs” because of their ability to incapacitate. These drugs are often added to drinks without the victim’s knowledge. Most of the drugs are odorless, colorless, and tasteless. These drugs include:

**MDMA** (also known as Ecstasy, X, Rolls, Molly). It can cause visions and other distortions of reality, teeth grinding and spasms, or death from a heat stroke-like event. Long term it can cause dental-related issues and brain damage. It may be a powder, but mostly pressed pills with a wide range of logos.

**GHB** (also known as “G,” Liquid Ecstasy, Blue Verve, Grievous Bodily Harm, or Georgia Home Boy). It can cause nausea, vomiting, delusions, amnesia, seizures, and loss of muscle control. It can leave you conscious but unable to move, unconscious, in a coma, or it can kill you. It usually has a bluish color, is odorless, and tasteless.

**Ketamine** (also known as Special K, Ket, Bump). It can cause an out of body experience, brief “Gumby Doll” period, and flashbacks. It is a type of animal tranquilizer and often stolen from veterinary clinics.

**Rohypnol** (also known as Roofies, Roche, or Forget-me Pill). It can cause drowsiness, dizziness, confusion, and amnesia. It can contain dangerous impurities.

Be careful. Do not accept drinks that you are not completely sure of the contents. Do not leave drinks unattended. Keep an eye on yourself and your friends for any suspicious activity, and for signs of the symptoms listed above.

**Risks of Alcohol**

At least 70% of all sexual assaults involve alcohol. The use of alcohol can be a factor for the survivor, the aggressor, or both. Alcohol lowers inhibitions and impairs judgment, which can lead to a dangerous situation. Alcohol and sex can be as dangerous as drinking and driving.

**Learn the Facts**

Myths about rape are pervasive in our culture. They function to discredit victims and make them feel personally responsible so that they will not report the rape. Replacing myths with facts is an important step in altering the conditions that lead to rape.

**MYTH:** Rape is a sexual crime, impulsively committed by a man for sexual gratification.
**FACT:** Rape is typically a crime of violence and aggression. Its intent is to overpower, degrade, and humiliate the victim. Both men and women commit rape.

**MYTH:** Rape can’t happen to me or someone I know.
**FACT:** Rape victims come from all socioeconomic classes and ethnic backgrounds and range in age from 3 months to 97 years. Men and boys can be victims too. The highest rape victimization rate is for women between the ages of 16 and 19; the second highest is for women between the ages of 20 and 24.

**MYTH:** Most rapes are committed by strangers in a dark place at night.
**FACT:** It is estimated that as many as 85% of all rapes are committed by someone the victim knows. Rape can take place anywhere, at any time.

**MYTH:** Women provoke rape by how they behave, dress, or where they choose to go. Rape is the victim’s fault.
**FACT:** Rape is NEVER the victim’s fault. No matter how a person dresses, behaves, or where they go it is never ever the victim’s fault. Fault in rape situations ALWAYS lies with the perpetrator.

**MYTH:** In a dating situation, when a woman says “no” she really means “yes.”
**FACT:** “No” always means NO.

**MYTH:** Women report rapes to get even with men or to protect their reputations.
**FACT:** According to the FBI, fewer than 2% of reports of rape are false reports. In fact, anywhere from 50-90% of all rapes are never reported to the police.

**Common Sexual Misconduct Policy Questions and Answers**

Here are some of the most commonly asked questions regarding Coe’s sexual misconduct policy and procedures.
Does the Complaint remain confidential?
The privacy of all parties to a complaint of sexual misconduct must be strictly observed, except insofar as it interferes with Coe’s obligation to fully investigate allegations of sexual misconduct. Where privacy it not strictly kept, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted. Violations of the privacy of the Complainant or the Respondent may lead to disciplinary action by the College. In all complaints of sexual misconduct, the Complainant and Respondent will be informed of the outcome. In some instances, the administration may choose to make a brief announcement of the nature of the violation and the action taken, using no names. Certain College administrators are informed on a confidential basis (e.g., the President of the College, Dean of Students, Director of Security, College counsel). If you report an act of alleged sexual misconduct to a designated official of the College and there is evidence that a felony has occurred, local police may be notified. This does not mean charges will be automatically filed or that a victim must speak with the police, but the College is legally required to notify law enforcement authorities in some situations. Coe College also must statistically report the occurrence on campus of major violent crimes, including certain sex offenses, in an annual report of campus crime statistics. This statistical report does not include personally identifiable information.

Will my parents be told?
No, not unless you tell them. Whether you are the Complainant or the Respondent, Coe’s primary relationship is to the student and not to the parent. However, in the event of major medical, disciplinary, or academic jeopardy, students are strongly encouraged to inform their parents. College officials will directly inform parents when requested to do so by a student, or in a life-threatening situation, or if a Complainant or Respondent has signed the permission slip at registration which allows such communication.

Will I have to confront the perpetrator?
Yes, if you file a formal Complaint and choose to proceed with the Formal Resolution Process. Sexual misconduct is a serious offense and the accused has the right to confront the accuser. The College does provide options for allowing confrontation without direct contact, including closed-circuit testimony, using a room divider or using separate rooms.

Do I have to name the perpetrator?
Yes, if you want formal disciplinary action to be taken against the alleged perpetrator.

No, if you choose to respond informally and do not file a formal complaint, but your incident of sexual misconduct will be reported for federal statistical purposes. Your personal information will be kept strictly confidential.

What do I do if I am accused of sexual misconduct?
DO NOT contact the alleged victim/Complainant. You may immediately want to contact someone in the campus community who can act as your Advisor/Support Person. You may also contact the Dean of Students, who can explain the College’s procedures for dealing with sexual misconduct complaints. You may also want to talk to a confidential Accused Student Resource Person (Emily Barnard, Counselor, Student Development Suite, Upper Gage, ebarnard@coe.edu, 319-399-8741).

What do I do about legal advice?
The decision to get an attorney is solely for the parties involved to make.

What about changing residence hall rooms?
If you want to move, you may request a room change. Accommodations such as changing rooms are provided if they are reasonably available, regardless of whether a formal report is filed with the institution or local police. The permanence of this action may be based upon the outcome of the Administrative Review Proceeding. Some accommodations available to you might include:

- Assistance from College support staff in completing the relocation;
- Arranging to dissolve a housing contract and pro-rating a refund;
- Exam (paper, assignment) rescheduling;
- Taking an incomplete in a class;
- Transferring class sections;
- Temporary withdrawal;
- Alternative course completion options.

What do I do about preserving evidence of a sexual assault?
Physical evidence of a criminal sexual assault must be collected within 72 hours. If you believe you have been a victim of a criminal sexual assault, you should go to St. Luke’s Hospital Emergency Room (1026 A Ave NE, Cedar Rapids, IA 52406 - Directly across the street from Greene and Hickok Hall), before washing yourself or your clothing. The Sexual Assault Nurse Examiner (SANe Nurse - a specially trained nurse) at St. Luke’s Hospital is on call 24 hours a day, 7 days a week (call the Emergency Room at 319-369-7105 if you first want to speak to the nurse; ER will refer you). In addition, Mercy Hospital in Cedar Rapids and the University of Iowa Hospital and Clinics in Iowa City both have SANe nurses. A victim advocate can also accompany you to hospital and Coe Security can provide transportation to St. Luke’s hospital. Victim advocates are available in Cedar Rapids through Riverview Center Sexual Assault Hotline at 1-888-557-0310 (24 hour crisis line), and the Rape Victim Advocacy Program (RVAP) in Iowa City at 1-800-284-7821. Some hospitals may notify the local police when a sexual assault victim seeks emergency room services, but you are not obligated to talk to the police or to prosecute. The exam will help to keep that option open for you, should you decide later to exercise it. The hospital staff will collect evidence, check for injuries, and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence useless) you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence. You can take a support person with you to the hospital, and they can accompany you through the exam, if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear evidence for the police to collect.

Will a student be sanctioned when reporting a sexual misconduct policy violation if he/she has illegally used drugs or alcohol?
No. The severity of the infraction will determine the nature of the College’s response, but whenever possible the College will respond educationally rather than punitively to the illegal use of drugs and/or alcohol. The seriousness of sexual misconduct is a major concern and Coe does not want any of the circumstances (e.g., drug or alcohol use) to inhibit the reporting of sexual misconduct. Do note, however, that the College’s approach does not prevent law enforcement authorities from pursuing legal action for illegal conduct.

Will the use of drugs or alcohol affect the outcome of a sexual misconduct conduct complaint?
The use of alcohol and/or drugs by either party will not diminish the Respondent’s responsibility. On the other hand, alcohol and/or drug use is likely to affect the Complainant’s memory and, therefore, may affect the outcome of the Complaint. A person bringing complaints of sexual misconduct must either remember the alleged incident or have sufficient circumstantial evidence, physical evidence and/or witnesses to prove his/her complaint. If the Complainant does not remember the circumstances of the alleged incident, it may not be possible to impose sanctions on the accused without further corroborating information.

Will either party’s prior use of drugs and/or alcohol be a factor when reporting sexual misconduct?
Not unless there is a compelling reason to believe that prior use or abuse is relevant to the present complaint.

What should I do if I am uncertain about what happened?
If you believe that you have experienced a non-consensual sexual contact, but are unsure of whether it was a violation of the College's sexual misconduct policy, you should contact Krista Kronstein, Sexual Misconduct Coordinator at 319-399-8741 or kkronstein@coe.edu.

Sex Offender Information
The federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice, as required under state law, of each institution of higher education in that state at which the person is employed, carries on a vocation, or is a student. For the state of Iowa, you may obtain this information by contacting the Cedar Rapids Police Department (319-286-5374) or inquire through the Iowa Sex Offender Registry athttp://www.iowasexoffender.com/