



**COE COLLEGE®**

**2020**  
**COE COLLEGE ANNUAL SECURITY REPORT**

**Office of Campus Safety & Security**

319-399-8888

**Office of Student Life**

319-399-8843

*Completed in September 2021*

## **Introduction**

On November 8, 1990, President George H. W. Bush signed into law federal legislation known as the “Student Right-To-Know and Campus Security Act.” The “Crime Awareness and Campus Security Act of 1990,” mandates the disclosure of campus security policies and statistics of reported crimes. This report is intended to inform all current and prospective students and employees of Coe College’s safety and security program. It serves as a reminder that everyone can help ensure their own security and others' by taking reasonable precautions and using a common sense approach to personal safety.

Coe College is a private, four-year, coeducational liberal arts college located in Cedar Rapids, Iowa. The campus encompasses ten city blocks and is surrounded by privately owned homes, apartments, businesses, and a hospital. Approximately 1,375 students are enrolled at Coe and approximately 1,170 of those students live in student residence halls or college-owned apartments on campus. The college employs approximately 40 full- time and part-time employees, including faculty, staff, and administration.

## **The Clery Act**

Choosing a postsecondary institution is a major decision for students and their families. Along with academic, financial, and geographic considerations, the issue of campus safety is a vital concern. The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) is a federal mandate requiring all institutions of higher education (IHEs) that participate in the federal student financial aid program to disclose information about crime on their campuses and in the surrounding communities. The Clery Act affects virtually all public and private IHEs and is enforced by the U.S. Department of Education. Campuses that fail to comply with the act can be penalized with large fines and may be suspended from participating in the federal financial aid program. The Clery Act, formerly known as the Crime Awareness and Campus Security Act, was signed in 1990 and is named after 19-year-old Jeanne Clery, who was raped and murdered in her Lehigh University residence hall in 1986. Clery’s parents lobbied Congress to enact the law when they discovered students at Lehigh hadn’t been notified about 38 violent crimes that had occurred on campus in the three years prior to Clery’s murder.

## **Compliance with the Clery Act**

The Clery Act requires Coe College to provide timely warnings of crimes that represent a threat to the safety of students or employees and to make their campus security policies available to the public. The act also requires Coe College to collect, report, and disseminate crime data to everyone on-campus and to the Department of Education annually. When the Higher Education Opportunity Act (HEOA) was signed into law in 2008, it amended the Clery Act by adding a number of safety- and security-related requirements to the Higher Education Act of 1965. To be in full compliance with the law, Coe College must do the following:

1. Publish and distribute an Annual Security Report to current and prospective students and employees by October 1 of each year. The report must provide crime statistics for the past three years, detail campus and community policies about safety and security measures, describe campus crime prevention programs, and list procedures to be followed in the investigation and prosecution of alleged sex offenses.
2. Provide students and employees with timely warnings of crimes that represent a threat to their safety. Coe College Campus Security must also keep and make available to the public a detailed crime log of all crimes reported to them in the past 60 days. Crime logs must be kept for seven years and logs older than 60 days must be made available within two business days upon request.
3. Keep the past three years of crime statistics detailing crimes that have occurred: on-campus; in college residential facilities; in public areas on or near campus; and in certain non-campus buildings, such as remote classrooms. Coe College must also report liquor and drug law violations and illegal weapons possession if they result in a disciplinary referral or arrest.
4. Disclose missing student notification procedures that pertain to students residing in any on-campus student housing facilities.

5. Disclose fire safety information related to any on-campus student housing facilities. This includes maintaining a fire log that is open to public inspection and publishing an Annual Fire Safety Report (herein) containing policy statements and fire statistics associated with each on-campus student housing facility. These statistics must include the location, cause, injuries, deaths, and property damage of each fire.
6. Submit the collected crime and fire statistics to the Department of Education each fall.
7. Inform prospective students and employees about the availability of the Annual Fire Safety Report. Coe College has a vested interest in campus security and the personal safety of its students and employees.

The following pages contain specific information, including crime prevention, fire safety, law enforcement authority, crime reporting policies, disciplinary procedures, and other matters of importance related to security and safety on campus. This report also contains information about campus crime statistics. Members of the campus community are encouraged to use this report as a guide for safe practices on and off campus. The report is available on the internet at [www.coe.edu/consumerinfo](http://www.coe.edu/consumerinfo). Every member of Coe College receives an email that describes the report and provides its website address. For more information, contact the Office of Campus Safety & Security at 319.399.8888.

## Disclosure of Crime Statistics

Coe College has a duty to report crimes on campus for federal statistical purposes. The crimes are reported based on the guidelines the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (20 USC § 1092). **The crime definitions are as follows:**

**Aggravated assault** is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could or probably would result in a serious potential injury if the crime were successfully completed.

**Arson** is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property, etc.

**Burglary** is the unlawful entry of a structure to commit a felony or a theft. For reporting purposes this definition includes: unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

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

**Domestic violence** is a felony or misdemeanor crime of violence committed: by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; 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.

**Drug abuse violations** are the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any

controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

**Hate crimes** is a crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

**Liquor law violations** are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Motor vehicle theft** is the theft or attempted theft of a motor vehicle.

**Murder and non-negligent manslaughter** is the willful (non-negligent) killing of one human being by another.

**Negligent manslaughter** is the killing of another person through gross negligence.

**Rape** is the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator.

**Robbery** is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Sex offenses** are defined as any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- **Fondling** is the touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory rape** is sexual intercourse with a person who is under the statutory age of consent.

**Stalking** is engaging in a course of conduct directed at a specific person that would cause a reasonable person to: fear for the person's safety or the safety of others; or to suffer substantial emotional distress.

**Weapons violations** are defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons.

**Unfounded Crimes** A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. Crime reports can be properly determined to be false only if the evidence from a complete and thorough investigation establishes that the crime reported was not, in fact, completed or attempted in any manner. Crime reports can be determined to be baseless only if the allegations reported did not meet the elements of the offense or were improperly classified as crimes in the first place. A reported crime cannot be designated "unfounded" if no investigation was conducted or the investigation was not completed. Nor can a crime report be designated unfounded merely because the investigation failed to prove that the crime occurred; this would be an inconclusive or unsubstantiated investigation. As such, for Clery Act purposes, the determination to unfound a crime can be made only when the totality of available information specifically indicates that the report was false or baseless.

## Definitions of Geography

As specified in the Clery Act, the following property descriptions are used to identify the location of crimes on and around Coe College's campus.

### On-Campus Buildings or Property

1. Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of or in a manner related to the institution's educational purposes, including residence halls; and
2. Any building or property that is within or reasonably contiguous to the area identified in the above paragraph, that is owned by the institution but controlled by another person, is frequently used by students and supports institutional purposes (such as a food or retail vendor).

### On-Campus Student Housing Facilities

Any student housing facility that is owned or controlled by the institution, or is located on property that is owned or controlled by the institution, and is within the reasonably contiguous geographic area that makes up the campus is considered an on-campus student housing facility.

### Non-Campus Buildings or Property

1. Any building or property owned or controlled by a student organization that is officially recognized by the institution; or
2. Any building or property owned or controlled by an institution that is used in direct support of or in relation to the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

### Public Buildings or Property

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus or immediately adjacent to and accessible from the campus.

Coe College crime statistics do not include crimes that occur in privately owned homes or businesses within or adjacent to the campus boundaries.

*<https://ope.ed.gov/campusafety/> is a direct link to security statistics for colleges and universities in the United States.*

## To Report a Crime

In order to report a crime or suspicious activity, contact Coe College Campus Security or the Cedar Rapids Police Department.

### Coe College Campus Safety & Security

Email: [campussecurity@coe.edu](mailto:campussecurity@coe.edu)

Phone: 319.399.8888

Campus Location: Upper Gage Memorial Union,  
1220 First Avenue NE, Cedar Rapids, IA 52402

### Cedar Rapids Police Department

Website: cedar-rapids

Non-Emergency Phone: 319.286.5491

Address: 505 First Street SW  
Cedar Rapids, IA 52404

**Coe College Security**—If you are off-campus or calling from a cell phone, Coe College Safety & Security can be reached at 319.399.8888. If you are calling from an on-campus landline, you can reach campus security by dialing 8888. Coe College Safety & Security provides seven-day-a-week, 24-hour coverage. The security personnel work closely with the Cedar Rapids Police Department to create a safe campus environment. Some of the services performed by campus security include, but are not limited to:

- enforcement of parking regulations
- locking/unlocking of buildings/rooms
- medical emergency response
- campus patrols
- crime prevention programs
- emergency message delivery

Security personnel will respond and initiate whatever action is necessary to resolve any situation, including the notification of Cedar Rapids police, fire, or medical agencies when appropriate.

Coe College owns several houses, including the following:

B.S.E.O (1343 E Ave NE),  
 Kohawk I (1319 E Ave NE),  
 Kohawk III (1444 E Ave NE),  
 “Pink House” (329 15th Street NE),  
 “Green House” (1427 B Ave),  
 “Grey House” ((226 & 228 14<sup>th</sup> Street),  
 “ E Ave Apartments” (1309 E Ave),  
 “8 Plex” (1430 E Ave),  
 “4 Plex” (301 15<sup>th</sup> Street), and  
 “Whipple Fire House”.(1424 B ave NE)

Coe College Safety & Security responds to all calls from these houses, as do the local police. Calls to the police regarding events or occurrences at the house are monitored by Coe College. In addition, a Coe College fraternity, Tau Kappa Epsilon, occupies a privately-owned house adjacent to the campus.(528 15<sup>th</sup> st NE) Coe College Safety & Security responds to all calls from this house, as do the local police.

Any criminal activity at Coe College events held off campus is reported to the Campus Safety & Security Office by local law enforcement agencies

**Cedar Rapids Police**—The non-emergency number for the Cedar Rapids Police Department is 319-286-5378. In an emergency, call 911 (9-911 if you are calling from an on-campus landline). In addition, you may use any of the emergency blue light phones located in various locations throughout campus.

**You may also report a crime to the following individuals on-campus:**

- Carlos Velez, Director of Security  
 Email: [cvelez@coe.edu](mailto:cvelez@coe.edu); Phone: 319.399.8517  
 Office Location: Campus Safety & Security Office, Upper Gage Memorial Union
- Paula O’Loughlin, Interim Dean of Students & Title IX Coordinator  
 Email: [poloughlin@coe.edu](mailto:poloughlin@coe.edu); Phone: 319.399.8616  
 Office Location: Provost Office, Second Floor McCabe Hall
- Keniese Evans, Dean of Student Experience  
 Email: [kevans@coe.edu](mailto:kevans@coe.edu); Phone: 319.399.8843  
 Office Location: Student Life Office, Upper Gage Memorial Union
- Steven Strobe, Dean of Residential Experience  
 Email: [sstrobe@coe.edu](mailto:sstrobe@coe.edu); Phone: 319.399.8843  
 Office Location: Student Life Office, Upper Gage Memorial Union
- Ron Binder, Associate Dean of Residential Experience  
 Email: [rbinder@coe.edu](mailto:rbinder@coe.edu); Phone 319.399.8204  
 Office Location: Student Life Office, Upper Gage Memorial Union
- Justine Hines, Assistant Dean of Student Conduct & Civility

Email: [jhines@coe.edu](mailto:jhines@coe.edu); Phone: 319.399.8577

Office Location: Student Life Office, Upper Gage Memorial Union

## **Confidential Report Procedures**

If you are a victim of a crime but you do not want to pursue judicial action through Coe College or the Cedar Rapids Police Department, you have the option to make a confidential report. Students can submit a Safety/Security Concerns Form by logging in to MyCoe and clicking the “Safety/Security Concerns Form” on the left-hand side of the page. Confidential reports of crime **will** be counted toward the federal crime statistics for the college if enough information is provided in the report. Furthermore, the confidential report allows Coe College to take steps to ensure your safety and the safety of the campus community. If you decide that you want to press charges through Coe College or city judicial system, you must be willing to reveal your identity. As is normal with due process, a person is entitled to know who is accusing them of a wrong-doing.

## **Confidential Resources on Campus**

As a result of the 1998 amendments to the federal law 20 USC § 1092 (f), clarification was given to those considered campus security authorities on campus. Simply put, campus security authorities must report crimes to the Director of Security or Dean of Students to be recorded as part of the Clery Act crime statistics. However, since the college’s chaplain and counselor are functioning within the scope of the professional ethics of their given fields, they are not considered to be campus security authorities. Consequently, the college’s chaplain and counselor are not required to report crimes for inclusion into the college’s annual crime statistics. This gives students an option to receive counseling about an incident without any pressure to officially report the crime. As a matter of policy, the college chaplain and counselor will provide information on how to report a crime. Based on their professional discretion, the chaplain or counselor may report a crime to the Director of Security or Dean of Students if there is concern for the safety of the campus or the student being counseled. The confidential resources for reporting crime on campus are:

- Emily Barnard, Director of Wellness and Counselor, 319-399-8843, Student Life, Gage Union
- Unfilled, College Chaplain, 319-399-8843, Student Life, Gage Union

Additional confidential resources for reports related to Title IX include:

- Karla Steffens, Professor, 319-399-8657, Hickok Hall 204D
- John Chaimov, Professor, 319-399-8594, Hickok Hall 203A
- Kayla Waskow, Athletics, 319-399-8265, Athletic and Recreation Complex 214D

## **Access to College Facilities**

The college buildings and facilities are generally intended for the use and benefit of the students and employees. Visitors and guests seeking to utilize college facilities are expected to make prior arrangements with the appropriate college offices. The general public may attend cultural and athletic events on campus, with their access limited to the facilities in which these events are held.

## **Residence Halls**

Entrances to each building are locked at all times and access for students is gained through their ID/key card. Students are housed in residence halls, apartments, and several houses. The residence halls are staffed by a Student Life professional staff member, Senior RAs, and Resident Assistants. The apartments are staffed by a professional staff member, a Senior RA, and Resident Assistants. All staff members undergo thorough training in safety and security issues and policies. A Resident Assistant is available in each hall from 7 p.m. until 8 a.m. and makes regular rounds of the building. In addition, a Student Life professional staff member, the Assistant Dean of Student Conduct & Civility, the Dean of Residential Experience, and/or the Dean of Student Experience are on call 24-hours-per-day, seven-days-a-week.

When classes are not in session, the residence halls are closed, and the buildings are secured. Students receiving permission to stay are granted access through the ID/key card system. Campus Security officers and Residential Life staff make routine rounds through the buildings. The campus apartments remain available for students who reside in them to stay over breaks.

## **Maintenance of Campus Facilities**

Campus Security and Coe College physical plant personnel work together to ensure that the campus is as safe as possible. Lighting, landscaping, and other safety-related aspects of the campus are continually monitored, maintained, and repaired.

## **Alcohol and Drug Policies**

Coe College complies with all federal, state and local laws, including those that regulate the possession, use and sale of alcoholic beverages and controlled substances. The college has established official standards and appropriate sanctions for students and employees, which are detailed in the College & Employment Policies and in the Student Handbook. The College & Employment Policies are available at: <https://www.coe.edu/why-coe/discover-coe/human-resources/faculty-staff-resources>. The Student Handbook is available at: <https://www.coe.edu/student-life/student-life-resources/college-policies-student-handbook>. The College Policies also contain information regarding college, community and national resources that are available to members of the Coe community. The Student Handbook contains additional information about student-specific resources.

## **Philosophy of Alcohol and Other Drugs Policy**

Coe College opposes the illegal use and/or abuse of alcohol and other drugs in the college environment because of the serious problems related to the misuse of alcohol and other drugs. Illegal use and/or abuse of alcohol and other drugs can lead to a loss of effectiveness in human life and can hinder the educational process. Therefore, Coe College urges all students to exercise mature judgment and social responsibility when making decisions regarding the use of alcohol and other drugs.

In compliance with state and federal laws, Coe College prohibits the unlawful possession, use, manufacture, or distribution of alcohol and/or other drugs by students. Students who violate the alcohol and other drugs policy will be subject to disciplinary action.

## **On-Campus Alcohol Guidelines and Policies for Students**

Coe College is committed to maintaining an environment conducive to the intellectual and personal development of students and to the safety and welfare of all members of the Coe College community. Students are expected to make responsible decisions regarding the use of alcohol personally and at organizational events both on and off campus. This includes encouraging responsible drinking habits by those individuals who choose to drink and respecting the rights of those individuals who choose not to drink. These guidelines apply to all forms of alcohol including, but not limited to liquid, vapor, or powder.

Coe College students are required to observe and abide by the following expectations:

- Students under 21 years of age shall not possess, distribute, or consume alcohol anywhere on Coe College property or at a Coe College-sponsored event. Students under 21 years of age that are found to be in possession of alcohol shall have their alcohol confiscated.
- Students who are 21 years of age or older are permitted to possess and consume alcohol within the privacy of their own room, provided that the door remains closed.
- Students must be 21 years of age or older to host, formally or informally, any activity that includes alcoholic beverages.
- Students who are 21 years of age or older may not provide or otherwise share alcohol with persons who are under 21 years of age.

- Students who are 21 years of age or older may not provide or otherwise share alcohol with persons who are intoxicated.
- Alcohol is not permitted in public areas of the residence halls (including, but not limited to: restrooms, hallways, stairwells, elevators, lounges, chapter rooms, patios, balconies, etc.).
- Alcohol is not permitted outdoors on campus (unless at an approved campus event by officials).
- Alcohol is to be transported in a covered, opaque packages when brought on-campus.
- Students are prohibited from possessing or using kegs and kegerators in all campus residences, campus buildings, and campus grounds.
- Alcoholic beverages in containers greater than one gallon are prohibited on campus.
- Common source mixtures of alcohol and are prohibited due to the potential danger of unknown alcohol content or presence of other substances.
- Drinking activities that employ peer pressure are prohibited. Prohibited activities, include but are not limited to: chugging, drinking games (example: beer pong, etc.), etc. Drinking activities that force the consumption of alcohol is considered dangerous and therefore is not allowed.
- Drinking games with non-alcoholic beverages (ex: water pong, etc.) is prohibited.
- Alcohol may not be used as an incentive or award at social events or college activities.
- Student activity fee funds may not be used to purchase alcohol.

Failure to observe or abide by any of the above listed requirements and expectations will result in disciplinary action through the Student Conduct Process. In addition, please be reminded that Coe College students are responsible for adhering to all local, state, and federal laws. Coe College will not and cannot protect students from the consequences of violating of these statutes.

## **Social Function Guidelines and Policies for Students**

All student social functions have basic expectations and guidelines. Due to the increased liability at social functions where alcohol is present there are additional expectations. Social functions where alcohol is present shall meet the following guidelines:

- Social functions may only be held in the following locations: on-campus houses, new and old apartments, the Hamptons, and the TKE house.
- Social functions may only be held on Friday or Saturday evenings (after 6:00 p.m.).
- Should students wish to hold a social function at another time, this must be approved by their Assistant Director of Residential Life or another higher-level administrator.
- All approved social functions must end by no later than 2:00 a.m.
- Social functions may not be held during May Term, Summer Term, or when classes are not in session (i.e. Thanksgiving Break, Winter Break, Spring Break, etc.). Further, social functions may not be held during Finals Week or on the weekends for Admissions Campus Visit Days.
- Coe College reserves the right to prohibit students from hosting or attending social functions during other specified times. Examples include: in the case of local, state, or national emergencies; public health crises; etc.
- All students who reside in the location of a social function must attend a Risk Management Session led by an Assistant Director of Residential Life or another higher-level administrator prior to having a social function approved.
- The host(s) of a social function will not provide alcoholic beverages to their guests. Regarding alcohol, all social functions will be considered BYOB (bring your own beverage).
- The host(s) and sober host(s) will provide an ample supply of snacks, water, and other non-alcoholic beverages for their guests.
- All alcohol present at a social function must remain in the approved apartment or house. Alcohol is not permitted in public spaces of the building, including, but not limited to: public restrooms, hallways, stairwells, lounges, chapter rooms, patios, balconies, etc.
- Students are prohibited from charging entrance to a social function or charging for snacks and water.

- All social functions must have at least one host. Hosts must:
  - be full-time students enrolled at Coe College;
  - live in the apartment or house where the function is to be held;
  - be at least 21 years of age if alcohol will be present at the function;
  - have attended a Risk Management Session led by an Assistant Director of Residential Life or another higher-level administrator
- All social functions must also have at least one sober host. Sober hosts:
  - must be full-time students enrolled at Coe College;
  - do not have to be a resident of the apartment or house hosting the social function;
  - must have attended a Risk Management Session led by an Assistant Director of Residential Life or another higher-level administrator;
  - must be present and cannot consume alcohol before and/or during the social function
- Please note: The host and the sober host can be the same person, provided they are a resident of the apartment or house that is hosting the function, they do not consume alcohol before and/or during the event, and they are 21 years of age or older.
- The host(s) must:
  - Register the event –To register the event, please fill out the Social Event Registration Form before 9:00 a.m. on the Friday prior to the function. All students serving as host(s) or sober host(s) for the function must be notified of their roles and be aware of their responsibilities for the event.
- The sober host(s) must:
  - Monitor the entrances to the function to prevent uninvited guests from entering.
  - Please note: Students who are present at a function and are not listed as approved party attendees may be held responsible through the college conduct process and disciplined as appropriate.
  - Monitor the number of guests at the function to ensure occupancy does not exceed the fire code capacity of the particular facility.
  - Provide ample snacks, water, and other non-alcoholic beverages for all guests for the duration of the event.
  - Help maintain order and ensure responsible behavior.
  - Ensure all persons are capable of safely returning to their place of residence.
- Advertising for a social function and emphasizing the presence or use of alcohol is prohibited.

Due to fire code capacities, social functions in these apartments may not exceed 15 people:

- All College-Owned Houses
- E Avenue apartments
- 4-Plex
- 8-Plex
- Hampton Court Apartments

Due to fire code capacities, social functions in these apartments may not exceed 30 people:

- Brandt House
- Morris House
- Schlarbaum House
- Spivey House

### **Additional Guidelines for Other On-Campus Student Events**

- All on-campus events with alcohol must be registered as social functions with the Dean of Student Experience, Director of Campus Life, or their designee.
- Event hosts are required to review College Risk Management guidelines.

- Third-party vendors such as Sodexo shall be used for the purchase and serving of alcohol.
- The host(s) of the event is responsible for ensuring alcoholic beverages do not enter the event if such use has not specifically been permitted.
- The host(s) of the event is responsible for clean-up of any garbage and recycling. Clean-up should take place at the conclusion of the event.
- Security must be present at all campus events, aside from apartment/house social functions.

## **Illegal Substance Policies for Students**

Illegal drugs are not permitted on Coe College property. Institutional knowledge of the possession, use, distribution, sale, and/or manufacture of any drug will subject the involved student(s) to investigation and the disciplinary process.

### **The following actions are prohibited according to the Coe College Illegal Substance Policy:**

- Misuse of over-the-counter drugs.
- Misuse or sharing of prescription drugs.
- Improper use of any prescription medication, including the use of prescription drugs without prescription or consuming prescription medication in excess of what a provider has prescribed.
- Such improper use will be interpreted as illegal drug use.
- Possessing, using, and/or being under the influence of any form of illegal drug.
- Distributing and/or selling any form of prescription drug or illegal drug.
- Manufacturing and/or selling any form of prescription drug or illegal drug.
- Possessing paraphernalia (i.e., rolling papers, pipes, bongs, etc.) for intended or implied use of any form of illegal drug.
- Possessing paraphernalia that contains or appears to contain illegal drug residue.
- Purchasing or passing prescription drugs or illegal drugs from one person to another.
- Using mail services (including campus mail services) to purchase, pass, or distribute prescription drugs or illegal drugs.
- Please note: Marijuana and cannabis products are considered illegal in Iowa.
- Please note: If a student is confronted for the smell and/or sight of drugs on-campus, that student can be found responsible of a policy violation. For example, if a student is confronted for the smell of marijuana on their person or in their room, that student may face charges and be found responsible for violating college policy.

Evidence that a student has engaged in any of the activities listed above will result in disciplinary action through the Student Conduct Process. In addition, please be reminded that Coe College students are responsible for adhering to all local, state, and federal laws. Coe College will not and cannot protect students from the consequences of violating of these statutes.

## **Civil Laws and Sanctions Regarding Alcohol and Other Drugs**

**Alcohol Laws** – Iowa State Code states that it is unlawful for any person “to sell, give, or otherwise supply alcoholic liquor, wine, or beer to any person knowing or having reasonable cause to believe that person to be under legal age, and a person or persons under legal age shall not individually or jointly have alcoholic liquor, wine, or beer in their possession or control.” The law further states that “no person under legal age shall misrepresent the person’s age for the purpose of purchasing or attempting to purchase any alcoholic beverage, wine, or beer from any licensee or permittee.” Penalties range from a simple misdemeanor to a serious misdemeanor. In Iowa the legal drinking age is 21.

**Drug Laws** – Iowa State Code states that it is unlawful for any person not authorized by Chapter 124 of the state code “to manufacture, deliver, or possess with intent to manufacture or deliver a controlled – or

counterfeit – substance or to act with, enter into a common scheme or design with, or conspire with one or more other persons to manufacture, deliver or possess with intent to manufacture or deliver a controlled substance.” Penalties range from a simple misdemeanor to a felony. For greater detail of these laws, see Chapters 123 and 124 of the Iowa State Code.

The federal law with respect to drug abuse prevention and control may be found in Title 21, Chapter 13, of the United States Code.

A number of different penalties (sanctions) may be imposed by the magistrate or other representatives of the civil judicial system. Penalties include criminal charges, ranging from a simple misdemeanor to a felony. Sentencing may include one or more of the following: monetary fines, incarceration, and community service. Penalties may be different for persons under or over the age of 18 years old.

Persons under 18 who violate drug and alcohol laws may be turned over to juvenile authorities or are dealt with through the court system. Persons over 18 are dealt with through the court system. Persons over 18 who are charged with the use or possession of illegal drugs are treated as adults. Fines, jail sentences, and community service are at the discretion of the magistrate or district court judge.

### Health Risks with Alcohol and Other Drugs

People who abuse alcohol or drugs risk damage to both their mental and physical health including, but not limited to:

Alcohol and Other Drugs	Health Risks
<b>Inhalants:</b> Solvents, Aerosols, Thinner, Paint, Lighter Fluid, Gas	liver, nerve, brain damage; heart failure; respiratory arrest; coma; suffocation; death
<b>Narcotics:</b> Heroin, Morphine, Codeine, Methadone	pulmonary edema; convulsions; respiratory arrest; coma; death
<b>Depressants:</b> Alcohol, Benzodiazepines, Barbiturates, Chlorohydrins	nausea; severe anxiety; agitation; hallucinations; tremors; shakes; delirium; convulsions; death
<b>Stimulants:</b> Methylphenidate, Cocaine, Phenmetrazine, Amphetamines	convulsions; hypertension; coma; cardiac arrests; pulmonary edema;
<b>Hallucinogens:</b> Marijuana, LSD, PCP,MDMA, Mescaline, Psilocybin	paranoia; delusions; psychosis; hallucinations; convulsions; flashbacks; death

These examples are not intended to be all-inclusive. It is recommended that you consult your physician for a more extensive description of health risks associated with the use of substances such as nicotine, caffeine, depressants, and stimulants. Related pamphlets on health risks are available in the Health Services Office in the Lower PUB.

### Resources

The College has a commitment to assist members of the Coe community with treatment of chemical dependency in terms of referrals to appropriate treatment agencies. Students seeking confidential assistance should consult the College counseling service, Tanager Place, or the Director of Health Services.

### On-Campus Resources for Alcohol and/or Drug Concerns

Health Services... (319)399-8617  
*Provide referrals to local hospitals and medical specialists. Offer educational materials and provide campus wellness programs.*  
 Counseling Services... (319)399-8843  
*Provide counseling and brief psychotherapy to students. Provide crisis intervention for students in distress.*

## Off-Campus Community Resources for Alcohol and/or Drug Concerns

Alcoholics Anonymous.....	(319)365-5955
The Fellowship Club (Alcohol).....	(319)364-9897
Area Substance Abuse Council.....	(319)390-4611
Sedlacek Treatment Center.....	(319)362-6226
Crisis, Suicide Information.....	(319)362-2174
Abbe Center (Mental Health).....	(319)398-3562
Foundation II Crisis Center.....	(319)362-2174
Domestic Violence.....	(815)777-3680
YWCA – Sexual Assault.....	(319)363-5490
St. Luke’s Hospital Emergency.....	(319)369-7122

## National Resources for Alcohol and/or Drug Concerns

Cocaine Helpline.....	1-800-COCAINE
National Council on Alcoholism Information Line .....	1-800-NCA-CALL
National Institute on Drug Abuse.....	1-800-622-HELP
Pride Drug Information Hotline.....	1-800-241-9746

## Security Awareness and Crime Prevention

The Coe College philosophy is to prevent rather than react to crime. This is accomplished through educational programs concerning personal safety.

Pamphlets, posters, e-mails, and articles in the *Cosmos* (college newspaper) are some of the mechanisms used to disseminate information to the college community. Student Life also sponsors programs on crime prevention and self-defense.

The Director of Security advises members of the Coe community on a timely basis about campus crime and crime-related incidents. This information may be posted throughout the campus, distributed to all Resident Assistants for their floors, and/or sent through electronic mail.

## Missing Persons Policy

The Coe College Missing Person Policy is utilized when any department or community member receives a report of a missing student and/or when there is available information that indicates there is an urgent reason to be in contact with a student that is missing. Students who have not been located, seen, and/or trailed after 24 hours are concerned “missing”.

If a resident student has not been seen on campus for more than 24 hours and acquaintances do not know where the student may be, the Dean of Students should be notified immediately. Students under the age of 18 years, will have their parents notified if they are determined missing for more than 24 hours and law enforcement will be notified for any student missing for more than 24 hours. If a student has been seen in the company of a(n) individual(s) indicating that they may be in danger, the Campus Security Office (x8888) and/or the Cedar Rapids Police Department (911) should be notified.

### Examples of a missing person include, but are not limited to:

- The caller provides information that indicates a student may harm themselves or others, or has a history of self-harm.
- The caller provides information that indicates that a student’s well-being/safety is at risk and the third party wants someone to check-in with the student and/or find the student.
- The student is known to Coe as high risk, potentially high risk, or has a history that seems related to the request for contact.
- The caller provides information that indicates that the student has not been seen by family, friends, roommates, etc. in a few days or uncomfortable time lapse that would cause the students’ network to be concerned.

Immediate response is required for a missing student and Coe College Campus Security must be involved at the onset and through the investigation of the missing student.

The person receiving the call/report should let the caller/reporter know that Coe College will do its best to make contact with the missing student. The person receiving the report should also ask the caller/reporter to provide their name and contact information and clarify with the caller/reporter if they would like the student to contact them once the student is found.

**When responding to a missing person report, the following will take place:**

1. In the case of an after-hours missing student report: The person receiving the call/report should contact the on-call staff, who will then contact the secondary on-call staff.
2. The on-call staff and secondary on-call staff will work together to begin active measures. Active measures can be implemented in any order, depending on the level of urgency; the time of day; and/or the message the student needs to receive. Active measures include, but are not limited to:
  - a. Contacting the student via phone, email and text;
  - b. Contacting Security (and CRPD);
  - c. Calling the original caller back to gather more information, if necessary;
  - d. Consulting the student's social media pages (if possible);
  - e. Consulting with the student's roommates/friends/network;
  - f. Consulting with the student's academic professors, if necessary
  - g. Checking ID access (either through Admin. Assistant in Student Development, during business hours) or on-call staff after hours (refer to ID access on campus protocol)
  - h. The Dean of Students or secondary on-call will be responsible for outreach to family.

**Student located:**

1. Once the student is located, request that the student call the reporter (if this was originally requested). If the student refuses to do so with reasonable justification, the on-call staff or secondary on-call staff may contact the reporter to indicate that contact has been made with the student.
2. On-call staff will input all timelines an event in an incident report and log spreadsheet.
3. Ensure that roommates, and other community members are supported.

**Student Not Located (URGENT LEVEL):**

If active measures do not result in finding the student, the following will be done within a 24-hour timeframe:

1. Contact the student's emergency contact from Jenzabar/Residence immediately. In addition, the following areas may be notified:
  - a. Residence Life
  - b. Provost
  - c. Senior Administration (President, VP Enrollment)
2. If active measures fail to confirm the presence and safety of the student, the Dean of Students, Campus Security, and other designees will initiate a more formal inquiry into the location of the student. The on-call staff will also work with Campus Security and CRPD on initiating a more formal missing person's report with CRPD.
3. The Dean of Students or designee should document this in an incident report
4. The Dean of Students or designee should ensure that roommates and other community members are supported.

## **Evacuation Plan**

### **Closing for evacuation of campus**

If a situation arises that warrants an evacuation of campus (e.g. hazardous material leak, chemical spill, catastrophic weather, etc.), the President's cabinet will communicate through the office of Student Development to initiate the Coe College emergency evacuation plan.

Next, the Dean of Students will notify all students, faculty and staff to vacate the Coe campus. Instructions for evacuation will be communicated via the Coe College Emergency Alert System using text messaging, email, and website updates (see information below regarding this communications system). Coe College Security will check all campus buildings to ensure that they are secure throughout the evacuation.

Critical emergency personnel and the live-on campus staff are the only employees allowed to remain on the Coe Campus after it is officially closed and evacuated. These employees are expected to remain on duty throughout the emergency until dismissed by the Dean of Students. Critical emergency personnel may be relocated off-campus if the situation is warranted.

### **Evacuation of on-campus students**

Through the Coe College Emergency Alert System, students will receive an emergency text and email notifying them of the time and location of an evacuation meeting. At the meeting, the logistics of the evacuation will be covered. The evacuation plan would likely include the following elements:

- Students who are able to travel home should do so immediately. If the students are able to host friends that are unable to make it home, it is highly encouraged.
  - If not evacuating by personal vehicle, students are advised to secure available air, train or bus transportation.
- Before students leave campus, all students must fill out an emergency evacuation form. The form includes the name of the student, the destination where the student will be residing during the evacuation, and contact information.
- Students who are unable to evacuate will be given information about relocating to a temporary emergency shelter. Buses and/or vans will pick up students on Coe Road behind Greene Hall and Murray Hall at a predetermined time to transport students to the emergency shelter.
  - The designated departure time of the buses and/or vans will be strictly enforced. Anyone who fails to report to the loading area will accept responsibility for their personal safety.
  - The critical emergency personnel staff members will take turns staying with the Coe students at the emergency shelter.
  - Students going to the emergency shelter still need to fill out an emergency evacuation form.
  - Students going to the emergency shelter should expect very limited accommodations. This may include sleeping on an open gym floor without cots. As occupants of the emergency shelter, students must abide by the rules of the shelter and college policies are still in effect.
- Students will be kept up to date on the status of the college evacuation through the use of the Coe College Emergency Alert System. In the event that the college website is not functioning, a temporary emergency web page will be created to relay information ([www.coecollege1851.org](http://www.coecollege1851.org)).
- The critical emergency personnel will review the emergency evacuation forms to account for all students. The emergency personnel will make efforts to contact and determine the whereabouts of students who did not fill out an emergency evacuation form (this includes calling home to parents). After this step, the names of students who are still unaccounted for will be turned over to the Cedar Rapids Police Department.

### **Aftermath Plans**

Once the emergency has passed, the President's cabinet will determine when it is safe to return to campus. Post-emergency response teams will inspect all buildings, grounds and utilities for damages.

If the college is deemed safe:

- The critical emergency personnel member who is residing with the students in the emergency shelter will announce a departure time and designated loading area to the sheltered students.
- All students will receive an emergency text, email and update via website via the Coe College Emergency Alert System that it is safe to return to campus.
- Students will not be allowed to return to campus until their housing assignments are ready for occupancy (in the event that some but not all of the campus facilities are damaged).

If the college is deemed unsafe and/or will be closed for a prolonged period:

- Sheltered students and emergency personnel will make plans for long-term relocation. Students and emergency staff are expected to make their way to the nearest airport, train station or bus station so they may make appropriate travel plans. All expenses incurred will be the individual's responsibility.
- Students, staff and faculty will be kept informed on the status of the college through the Coe College Emergency Alert System with texts, emails and website updates.

## **Sexual Misconduct Prevention**

All new students at Coe College are expected to complete online educational programming on sexual assault prevention prior to arrival on campus and receive additional training during orientation. During the 2020-2021 academic year, online training was completed through Vector Solutions. Members of the Coe College Title IX Team also provide in-person presentations to students in FYS classes, on athletics teams, involved in Greek organizations, holding student leader roles (such as RAs, CAPs, Peer Ministers, etc.). New members of the faculty and staff are also trained each fall regarding sexual misconduct prevention and their roles as non-confidential, mandatory reporters.

During the 2020-2021 academic year, additional programming was provided, in an effort to cultivate a culture of affirmative consent on the Coe College campus, including a series of events for Sexual Assault Awareness Month in 2021 (consent promos, Kohawks Get Consent signature drive, consent-positive coloring contest, What I Wore display, Denim Day observance, etc.).

Members of the Coe College community have access to both confidential and non-confidential located on- and off-campus. A list of these resources follow:

### **Confidential On-Campus Resources**

Emily Barnard, Assistant Dean of Health & Wellness, 319-399-8843, Student Life Suite, Gage Union  
Karla Steffens, Professor, 319-399-8657, Hickok Hall 204D  
John Chaimov, Professor, 319-399-8594, Hickok Hall 203A  
Kayla Waskow, Athletics, 319-399-8265, Athletic and Recreation Complex 214D

### **Confidential Off-Campus Resources**

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)

### **Title IX Coordinator and Deputy Coordinators (Non-Confidential)**

Paula O'Loughlin— Interim Title IX Coordinator, 319-399-8616, Second Floor, McCabe Hall  
Ron Binder— Deputy Coordinator, 319-399- 8204, Student Life Suite, Gage Union  
Kris Bridges—Deputy Coordinator (faculty & staff), 319-399-8100, Business Office, Voorhees Hall  
Keniese Evans— Deputy Coordinator, 319-399-8843, Student Life Suite, Gage Union  
Tom Hicks— Deputy Coordinator, 319-399-8687, Learning Commons, Stewart Memorial Library  
Justine Hines— Deputy Coordinator, 319-399-8843, Student Life Suite, Gage Union  
Steven Stope— Deputy Coordinator, 319-399-8843, Student Life Suite, Gage Union  
Carlos Velez— Deputy Coordinator, 319-399-8517, Safety & Security Office, Gage Union

### **Accused Student Resource**

Emily Barnard, Assistant Dean of Health & Wellness, 319-399-8843, Student Life Suite, Gage Union

### **Federal Statistical Reporting Obligations**

The Director of Security has a duty to report sexual misconduct for federal statistical reporting purposes. All 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. This report helps to provide the community with a clear picture of the extent and nature of campus crime, to ensure greater community safety.

### **Federal Timely Warning Reporting Obligations**

Victims/survivors (referred to as complainants) of sexual misconduct should also be aware that college administrators must issue timely warnings for incidents reported to them that pose a substantial threat of bodily harm or danger to members of the campus community. The college will make every effort to ensure that a victim's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the danger.

## **Coe College Title IX Sexual Misconduct Policy**

*Last Updated August 2021*

Coe College is committed to providing a learning environment that is free of all forms of sexual misconduct. This document contains Coe College's policies and procedures for preventing, reporting, and responding to sexual misconduct and other forms of interpersonal violence. This guide also contains information about resources and remedies for all students, staff, faculty, and other members of the Coe College community who have experienced or been affected by prohibited conduct. Coe College does not discriminate on the basis of sex in its education programs or activities, including its admissions process and employment. Questions about the application of Title IX to Coe College may be referred to Coe College's Title IX Coordinator:

**Paula O'Loughlin, Coe College Interim Title IX Coordinator**

**Email:** poloughlin@coe.edu; **Phone Number:** 319.399.8616

**Office Location:** Office 209, McCabe Hall

Coe College, 1220 First Avenue, Cedar Rapids, IA 52402

All Coe College community members have a responsibility to adhere to Coe College's policies, as well as local, state, and federal law. This policy is not intended to create a contract and it is not to be construed to constitute any kind of contractual obligation between Coe College and any Coe College student, prospective student, employee, or prospective employee. Coe College may update, amend, supplement, rescind, or deviate from these policies as it deems appropriate. The policy will take effect when it is approved by administration and distributed by official notice.

### **Types of Sexual Misconduct Prohibited by This Policy**

Sex Discrimination occurs when persons are excluded from participation in, or denied the benefits of, employment, or 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** is conduct on the basis of sex that meets one of the following definitions:

- (1) Quid Pro Quo Harassment, which, as defined by Title IX, occurs when an employee of Coe College conditions the provision of an aid, benefit, or service (including education) on

an individual's participation in unwelcome sexual conduct.

a. "Sexual conduct" includes sexual advances, requests for sexual favors, and other verbal, physical, graphic, or written conduct of a sexual nature.

b. "Conditions the provision of an aid, benefit, or service" on an individual's participation in unwelcome sexual conduct means that

- Submission to sexual conduct is made, either explicitly or implicitly, a term or condition of an individual's educational opportunities (including aid, benefits, or services); or
- Submission to or rejection of sexual conduct by an individual is used as a basis for educational opportunities affecting such individual; and/or
- The unwelcome sexual conduct has the purpose or effect of unreasonably interfering with an individual's work or educational opportunities.

c. A person's submission to unwanted sexual advances does not mean the sexual conduct was not "unwelcome," or prohibited quid pro quo harassment did not occur.

d. Other forms of quid pro quo harassment that are excluded from the Title IX definition, including inappropriate conduct that does not interfere with a person's participation in an education program or activity, such as conduct that affects a person's employment, or which is committed by a non-employee student, volunteer, or other Coe College community member, is prohibited, and is subject to the Anti-Harassment Policy in the College and Employment Policies document (<https://www.coe.edu/why-coe/discover-coe/human-resources/facultystaff-resources>).

(2) Sexually Hostile or Sexually Harassing Environment is defined by Title IX as unwelcome conduct by a Coe College student or employee that a reasonable person would find to be so severe, pervasive, and objectively offensive that it denies a person equal access to an education program or activity.

a. "Unwelcome conduct" includes conduct that is based on a person's sex.

b. Conduct that is "severe, pervasive, and objectively offensive" may include one or more instances of conduct that has the effect of interfering with a person's participation in classroom, academic, or educational activities or programs, including athletics and college-sponsored extra-curricular programming.

c. The policy does not prohibit students and faculty from discussing or communicating about topics in the academic context that involve sexual issues, even if the discussion offends some people who overhear it.

d. Other harassing conduct that is offensive, but does not meet the definition above or interferes only with a person's non-educational activities (such as certain employment), is prohibited and is subject to the Anti-Harassment Policy in College and Employment Policies document (<https://www.coe.edu/why-coe/discover-coe/humanresources/faculty-staff-resources>).

(3) Sexual Assault (including rape) is actual or attempted sexual contact 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 includes but is not limited to:

a. Intentional touching of another person's intimate body parts without that person's consent; or

b. Other intentional sexual contact with another person without that person's consent; or

c. Coercing, forcing, or attempting to coerce or force a person to touch another person's intimate parts without that person's consent; or

d. Rape, which this policy defines as penetration, no matter how slight, of (1) the vagina or anus of a person by any body part of another person or by an object, or (2) the mouth of a person by a sex organ of another person, without that person's consent.

(4) Relationship (Dating and Domestic) Violence is abuse, violence, or intentionally controlling behavior between partners or former partners involving one or more of the following elements: (1)

battering that causes bodily injury; (2) purposely or knowingly causing reasonable apprehension of bodily injury; (3) emotional abuse creating apprehension of bodily injury or property damage; (4) repeated telephonic, electronic, or other forms of communication anonymously or directly — made with the intent to intimidate, terrify, harass, or threaten. Relationship violence can occur in all types of relationships (e.g., heterosexual, same sex, or any other type of relationship).

(5) Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for his or her safety or the safety of others or (2) 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, cell phones, texts, or other similar electronic communication is used.

A violation of this policy occurs when a person engages in any of the above behaviors and the conduct occurs in Coe College's education programs or activities, in a location that is under Coe College's substantial control (including its campus, buildings, or in a Coe College-sponsored event or program), or interferes or affects a person's participation in an education program or activity within the United States or its territories.

Education programs or activities of Coe College includes Coe College's campus, buildings, residence halls; Coe College's events or programs; and off-campus locations that are subject to substantial control by Coe College. This includes conduct that occurs in any building owned or controlled by a student group that is officially recognized as a Coe College student group, including Greek Life organizations.

Note that many other behaviors may violate other general college policies. This would include sexual misconduct involving a Coe College student that occurs in a location that is not owned or substantially controlled by Coe College; sexual misconduct in the workplace; sexual misconduct that occurs in international study abroad programs and programs subject to the substantial control of another organization or individual; sexual misconduct that does not meet the definition of "sexual misconduct" under this policy; harassment or discrimination based on other protected characteristics, such as race, skin color, religion, age, disability, national origin; and other conduct that is prohibited by Coe College. Other prohibited conduct is subject to the policies and disciplinary process in the Student Handbook, available at: <https://www.coe.edu/student-life/student-life-resources/college-policies-student-handbook>, the Staff Handbook, the Faculty Handbook, and/or the College and Employment Policies all available at <https://www.coe.edu/why-coe/discover-coe/human-resources/faculty-staff-resources>.

For disciplinary proceedings that do not qualify as sexual misconduct under this policy, all disciplinary and termination or expulsion procedures will be guided by the Faculty Handbook, Staff Handbook, or Student Handbook that corresponds with the faculty, staff, or student status of the person being reprimanded. Faculty and staff may contact the Associate Vice President for Human Resources with questions about the policies and disciplinary procedures in the Staff Handbook and the Faculty Handbook. Students may contact the Dean of Student Experience with questions about the Student Handbook. If there is a question about which policy applies to a report or concern, the Title IX Coordinator, Associate Vice President for Human Resources, and Dean of Student Experience will determine which of the handbooks, policies, and disciplinary procedures applies.

### **Other Important Concepts and Definitions**

**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.

**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 not 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 they do not want to engage in sexual activity, that they want it to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point is considered coercion.

### **Incapacitation**

Incapacitation is the inability, temporarily or permanently, to give consent (affirmative or otherwise), 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 is unable to and cannot give consent to sexual activity. Incapacitation may result from ingestion of a legal or illegal drug or alcohol. Coe College prohibits the possession, use, and or distribution of drugs that are intended to incapacitate, including Rohypnol, Zolpidem, Ketamine, GHB, Burundanga, etc.

The perspective of a reasonable person will be the basis for determining whether a respondent knew or should have been aware of the extent and amount of the ingestion of alcohol and/or drugs by the complainant or of the extent to which the use of alcohol and/or drugs impacted a complainant's ability to give consent.

### **Affirmative Consent**

This policy is based on affirmative consent. 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, for each form of sexual contact, and by each participant in a sexual encounter. Consent to one form of sexual activity does not constitute consent to engage in all forms of sexual activity. Consent must be demonstrated through mutually understandable words and/or clear, unambiguous actions that indicate a willingness to engage freely in sexual activity. A person who is incapacitated cannot give affirmative consent.

Consent is active, not passive. Consent cannot be inferred from silence, passivity, lack of resistance, nonverbal cues, or lack of an active response alone. A person who does not physically resist or verbally refuse sexual activity is not necessarily giving consent. Relying on non-verbal communication can lead to misunderstandings or potential policy violations.

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. In the State of Iowa, consent can never be given by minors under the age of 16, with two provisions: First, a person 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.

### **Complainant**

The person(s) or group making the allegations of sexual misconduct.

### **Respondent**

The person(s) or group against whom a complaint of sexual misconduct has been made.

### **Privacy and Confidentiality**

In any complaint, investigation, hearing, appeal, or resolution of a complaint under the sexual misconduct policy, Coe College will make every effort to protect the privacy of all individuals involved in the sexual misconduct complaint consistent with a need for a thorough review of the reported conduct. Information related to a report under the sexual misconduct policy will only be shared with those college employees and students who need to know in order to assist in the review, investigation, administrative proceeding, appeal, or resolution of a complaint. College employees and students who are involved in 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 an employee and 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.

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.

All employees of the college who are not confidential resources (see above), as well as students in leadership positions or volunteers responsible for the welfare of other students, are required to share information about prohibited conduct under this policy with the Title IX Coordinator and are considered mandatory referrers. This means they are required to inform the Title IX Coordinator if they witness sexual misconduct or if they otherwise receive any information that indicates sexual misconduct has occurred involving a member of the Coe College community. Community members, including those who are not current Coe College faculty, staff, or students, are encouraged to speak to officials of the institution to make formal reports of incidents. Those who share information with the college have the right to have incidents of sexual misconduct taken seriously when formally reported and to have those incidents investigated, as well as properly resolved through administrative procedures.

Reporting does not mean that information won't be kept private and confidential. Coe 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 investigator(s), witnesses, the accused, and the complainant. The circle of people will be kept as tight as possible to preserve rights and privacy. Community members may bring a victim advocate or advisor to all phases of the investigation and campus conduct proceeding.

The complainant and respondent are able to share details about their case with others as they see fit. The institution cannot compel complainants and respondents to keep details of their case confidential. Witnesses are prohibited from sharing details about a case they are involved in and are required to keep all information confidential. Witnesses who want to talk about a case they are involved in should seek out the Title IX Coordinator or a confidential resource for support.

Notwithstanding a complainant or respondent's right to speak and share details about their case, they are prohibited from doing so for the purpose of retaliation, or to intimidate, threaten, coerce, or discriminate against an individual because they exercised their right to lodge a report or formal complaint under Title IX or this policy.

**Filing a Report of Sexual Misconduct.**

If any member of the Coe College community believes another member of the community has violated the Title IX Sexual Misconduct Policy, or engaged in sex discrimination or other sexual misconduct within or outside of an education program or activity, they may file a report with Coe College.

Except for the designated confidential resources, Coe College faculty and staff are required to report violations of this policy. The report should include sufficient information to enable Coe College to understand the nature of the report and complete an initial assessment, discussed below. Title IX prohibits Coe College from disciplining or sanctioning an individual for engaging in sexual misconduct unless a formal complaint is filed and the grievance procedure in the Title IX Sexual Misconduct Policy is followed. Formal complaints and the grievance procedure for sexual misconduct is discussed below. The Title IX Coordinator will inform individuals who file a report of sexual misconduct about their right, if any, to file a formal complaint. No one is required to file a formal complaint of sexual misconduct.

To report an incident of sexual misconduct, it is recommended you report to one of the following:

- Title IX Coordinator, 319-399-8616, Upper McCabe Hall, titelix@coe.edu
- Dean of Student Experience, 319-399-8843, Upper Gage, dos@coe.edu
- Human Resources, 319-399-8100, Lower Voorhees Hall, o-hr@coe.edu

Coe College provides the opportunity to submit an anonymous report. Individuals wishing to submit an anonymous report can do so by completing the following form hosted on Coe College’s website: <https://www.coe.edu/title-ix>.

Some individuals may wish to keep their concerns confidential or are not prepared to make a report, but still want to seek information and support. Sharing with a confidential resource means that those communications cannot be legally disclosed to another person, without the consent of the person sharing the information. These confidential resources can be used as a resource regardless of whether the individual chooses to report to Coe College. Here is the list of Coe College’s confidential resources:

- Emily Barnard, Director of Health & Wellness.....(319)399-8843
- John Chaimov, Professor.....(319)399-8594
- Karla Steffens, Professor..... (319)399-8657
- Kayla Waskow, Athletics..... (319)399-8265

Coe College recognizes that some forms of sexual misconduct may also be crimes under Iowa criminal statutes. Students, faculty, and staff always have the option of reporting incidents to local police officials, and if desired, Coe College will assist in notifying law enforcement authorities. Reporting incidents to local law enforcement or to Coe College does not require anyone to press charges in either arena against the accused student, faculty, or staff member.

Neither law enforcement’s determination whether or not to prosecute a respondent, nor the outcome of any criminal proceeding, are determinative of whether Coe 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 Coe College of its responsibilities under the law. Coe College has jurisdiction over incidents that occur on campus during an official college program or activity (regardless of location) or off-campus in an environment that is subject to Coe College’s substantial control, such as locations or events sponsored by Coe College or a student group officially recognized by Coe College.

Reporting parties and witnesses are encouraged to report sexual misconduct as soon as possible in order to maximize the Coe College's ability to respond promptly and effectively. By reporting the sexual misconduct, you help protect yourself and others from future harm. Reporting an issue is the best way for Coe College and the community to help an individual receive the resources and supportive measures available to them. Reporting the incident is a separate step from filing a formal complaint and initiating the Title IX Sexual Misconduct grievance procedure. At the time a report is made, a complainant does not have to decide whether or not to file a formal complaint. The complainant will also be provided with a written document explaining their right to file a formal complaint, the grievance procedure, their rights and options, and available resources.

If you experience or encounter prohibited conduct and wish to seek emergency assistance, dial 911. If you wish to speak to law enforcement about a concern related to sexual misconduct, you may also call the Cedar Rapids Police Department at: (319)286-5378 or report a crime electronically by using this link: [http://www.cedar-rapids.org/local\\_government/departments\\_g - v/police/report\\_a\\_crime\\_form.php](http://www.cedar-rapids.org/local_government/departments_g-v/police/report_a_crime_form.php)

An incident of sexual misconduct does not have to occur on campus to be reported to Coe College. Furthermore, Coe 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, and if a formal complaint is filed, the grievance procedure outlined below will apply even when the only individuals involved are the complainant and the respondent.

Coe 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. Coe College will approach the initial assessment of any report with a sincere effort to understand the perspective and experiences of each individual involved. Coe College officials will make every effort to respect the complainant's autonomy in making decisions and provide support that will allow the complainant to provide a full, detailed, and accurate report that will aid college officials in assessing the report.

### **Responding to a Report of Sexual Misconduct**

Within seven calendar days of receiving a report, Coe College will:

- Inform the complainant, in writing, of any right to file a formal complaint and will explain the procedure for doing so.
- Inform the complainant of measures that may restore or preserve an individual's access to their education, education program or activities, or other matters, without the filing of a formal complaint.
- Offer supportive measures in response to a report. If circumstances do not permit Coe College to offer supportive measures in response to a report, such as in cases where a complainant wishes to remain anonymous or will not respond to follow-up contact from Coe College, Coe College will document the reason it could not offer supportive measures.

During the reporting process, a complainant may choose not to have their identity divulged. Individuals may make an anonymous report without disclosing their name, identifying the party who engaged in sexual misconduct (if known) or requesting any action. Depending on the level of information available and the complainant's willingness to divulge their identity, anonymity may impact Coe College's ability to address prohibited conduct. If an individual wishes to file a formal complaint of sexual misconduct, Title IX regulations require Coe College to identify the name of the complainant in the notice that is issued to a respondent.

### **Interim or Supportive Measures Following a Report of Sexual Misconduct**

Within seven calendar days of receiving a report, the college will contact the complainant to discuss the

availability of potential non-disciplinary, non-punitive individualized services for the complainant. These interim or supportive measures are intended to restore or preserve a person's equal access to Coe College's education programs or activities. Any interim or supportive measure will be designed to protect the safety of all members of the Coe College community and to deter sexual misconduct. Interim or supportive measures are available to a complainant whether or not the complainant chooses to file a formal complaint. Interim or supportive measures may also be available to an individual who allegedly engaged in sexual misconduct, as well.

Potential interim or supportive 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 dropping a course without penalty;
- Changing work or job assignments or schedules;
- Changing housing locations;
- 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;
- Emergency removal from campus or program following individualized safety and risk analysis discussed below

A complainant may request specific interim or supportive measures when making a sexual misconduct report at any point during the process. In order for Coe College to consider implementing any interim or supportive measures, a concerned party must first speak to a member of Coe College's Title IX team. Coe College is obligated to provide reasonable interim or supportive measures regardless of whether a report has been made to local law enforcement. Requests for interim or supportive measures should be made to the Title IX Coordinator. Coe College will keep interim or supportive measures confidential to the greatest extent possible. If it is necessary to disclose personal information to provide an interim or supportive measure, Coe College will endeavor to notify the complainant before doing so. Coe College may also impose interim or supportive measures of its own volition.

Additionally, if a complainant has obtained a court order related to an individual who allegedly engaged in sexual misconduct, the complainant should provide such information to the Title IX Coordinator. The college will take all reasonable and legal action to assist with compliance of the order.

### **Initial Assessment and Individualized Safety/Risk Analysis**

The Title IX Coordinator and other administrators will ensure that Coe College responds to every sexual misconduct report in a timely manner that treats every individual with respect and promotes safety for the parties and the Coe College community.

The first step in response to a sexual misconduct 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. The appropriate course of action may change over time, as further information gathering, analysis, or investigation reveal more information surrounding the alleged sexual misconduct. If a complainant decides against filing a formal complaint,

the decision on how to move forward with the information will be made by 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.

Coe College’s initial assessment and individualized safety/risk analysis will include review of safety issues for the parties and the Coe College Community. If Coe College determines that an immediate threat to the physical health or safety of any student or other individual arising from the allegations in any report justifies removal of an individual from campus, Coe College will promptly notify the affected individual and remove the individual from campus or the relevant program. Immediately following the removal, Coe College will give the removed individual the opportunity to challenge the removal in instructions included in the notice of removal.

### **Conflict of Interest**

Upon receipt of a report of Sexual Misconduct, identified conflicts of interest will be disclosed to Coe College, addressed and, if necessary, other appropriate individuals will be designated to fill the role of a potentially conflicted official. Responses to reports of sexual misconduct are conducted by individuals who receive training on issues related to sexual misconduct.

### **Filing a Formal Complaint of Sexual Misconduct**

Individuals who believe that sexual misconduct has occurred may file a “formal complaint” of sexual misconduct. A formal complaint of sexual misconduct is subject to the grievance procedure in the Title IX Sexual Misconduct Policy, discussed below, and must be investigated. Coe College students, faculty, staff, administrators, and others may be subject to a formal complaint of sexual misconduct.

To file a formal complaint, a complainant must sign by hand or by digital signature, a document that alleges sexual misconduct against a respondent and request that Coe College investigate the allegations of sexual misconduct. Title IX only permits individuals who are participating, or are attempting to participate, in an educational program or activity of Coe College, to file a formal complaint. This would include, but is not limited to, current students of Coe College, applicants for enrollment to Coe College, and other individuals who participate, or are attempting to participate in Coe’s educational programs or activities.

Coe College’s formal complaint form is available [www.coe.edu/title-ix](http://www.coe.edu/title-ix).

Individuals who wish to file a formal complaint can submit a completed formal complaint by email, by mail, or in person by submitting it to the Title IX Coordinator, who is available at:

**Paula O’Loughlin, Coe College Interim Title IX Coordinator**

**Email:** [poloughlin@coe.edu](mailto:poloughlin@coe.edu); **Phone Number:** 319.399.8616

**Office Location:** Office 209, McCabe Hall

Coe College, 1220 First Avenue, Cedar Rapids, IA 52402

Upon receipt of a report of sexual misconduct, discussed above, Coe College’s Title IX Coordinator may sign a formal complaint to initiate the grievance procedure in the Title IX Sexual Misconduct Policy, even where no person who alleges to be the victim of sexual misconduct wishes to file a formal complaint. Before doing so, the Title IX Coordinator will consider the complainant’s wishes and evaluate whether investigation is reasonable under the circumstances.

### **Grievance Procedure When a Formal Complaint is Filed**

#### **Time Period for Grievance Procedure**

Coe College will endeavor to complete the grievance procedure following receipt of a formal complaint within ninety calendar days of receiving a formal complaint. Coe College may temporarily delay or extend the grievance procedure when good cause exists to do so. If a delay occurs, Coe College will provide written notice to the parties about the delay or extension and the reasons for any delay or extension. “Good cause” for a delay or extension may include the absence or unavailability of a party, an advisor, or a witness. “Good cause” may also include law enforcement activity, the need for language assistance, or accommodating an individual’s disability.

### **Dismissal of Formal Complaint**

Within seven calendar days of receipt of a formal complaint, the Title IX Coordinator will evaluate the allegations. Title IX regulations require that Coe College dismiss the formal complaint if the alleged conduct does not meet the definition of sexual misconduct under Coe College’s Title IX Sexual Misconduct Policy, if the conduct did not occur in Coe College’s education program or activity, or if the conduct did not occur against a person in the United States. If a dismissal occurs, the grievance procedure will not apply. In such circumstances, Coe College or the complainant may take action to respond to the allegations in the report under the Student Handbook, Staff Handbook, Faculty Handbook, or College and Employment Policies.

Coe College may also, in its discretion, dismiss a formal complaint at any time during the grievance procedure under any of the following circumstances:

- The complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or allegations in the formal complaint; or
- The respondent is no longer enrolled or employed by Coe College; or
- Specific circumstances prevent Coe College from gathering evidence sufficient to reach a determination about the formal complaint or allegations in the formal complaint.

### **Notice to the Respondent of a Formal Complaint**

Within seven calendar days of receiving a formal complaint and after determining whether Coe College must dismiss the formal complaint, the Title IX Coordinator or their designee will meet with a respondent, if possible.

The Title IX Coordinator or their designee will also issue a notice to the respondent that an alleged incident of sexual misconduct has been reported to the college, and a formal complaint has been filed.

Notice to a respondent of a formal complaint will include:

- The allegations of sexual misconduct, including details known at the time of the notice that enable a respondent to understand the nature of the allegations. This includes:
  - The identity of the parties involved in the incident, if known
  - A description of the alleged sexual misconduct
  - The date of the alleged sexual misconduct, if known
  - The location of the alleged sexual misconduct, if known
- Notice that the respondent is presumed not responsible for the alleged sexual misconduct
- Notice that a determination on responsibility for the alleged sexual misconduct will be made at the conclusion of the grievance procedure
- Each party to a formal complaint has the right to an advisor of their choice, who may be, but is not required to be, an attorney
- Each party may inspect and review all evidence collected in the investigation prior to a determination of responsibility for sexual misconduct
- Interim or supportive measures available to complainants or respondents
- Knowingly making false statements or submitting false information during the grievance procedure is

- prohibited
- Coe College’s grievance process for formal complaints
- Coe College’s informal resolution procedure

If, in the course of an investigation, Coe College decides to investigate allegations about any party that are not included in the initial notice, Coe College will issue an amended notice of any additional allegations to all known parties.

Respondents in a sexual misconduct grievance procedure are expected to participate in the process. The grievance procedure will still occur even if a respondent chooses not to participate or chooses to leave Coe College.

### **Advisor**

Complainants and respondents are entitled the same opportunities to consult with and be accompanied by one advisor of their choice throughout each and every step in the sexual misconduct grievance procedure. This includes assistance in the preparation of any written materials, attending any meeting with the investigator(s), hearing officer, or other college personnel, and the hearing.

However, an advisor may not actively participate in any meeting or proceedings other than the hearing, described below. The advisor may be any individual, such as a teacher, mentor, friend, parent, or an attorney, who is not a witness or otherwise involved in the events that are the subject of the report or is otherwise involved in the disciplinary process under this policy. The advisor can be a trained victim advocate through a community agency such as the Riverview Center.

Aside from the hearing, advisors are not permitted to speak to, question, or otherwise communicate with other parties or witnesses during the course of any investigation without express authority from the Title IX Coordinator or designee. An advisor may be required to meet with the Title IX Coordinator in advance to understand the parameters of their role, privacy restrictions under FERPA, and the provisions of this policy.

If a party does not have their own advisor in the grievance procedure, Coe College will provide that party, at no fee or charge to the party, with an advisor. The party may choose from a list of individuals supplied by the Title IX Coordinator. For purposes of the hearing described in this grievance procedure, cross examination of a party must be conducted by an advisor. Parties may not cross-examine each other.

The complainant or respondent may change their advisor at any point during the process. Coe College reserves the right to dismiss an advisor who is disruptive to the proceedings or who does not abide by the restrictions in this policy. It is expected that the advisor will understand and abide by the expectations of privacy involved in the proceeding and will act with appropriate decorum at all stages. An advisor will be asked to sign an affirmation that they understand their role in the process.

Whether or not a party is relying on the assistance of an advisor, throughout the sexual misconduct grievance procedure, the parties—not their advisors—remain responsible for complying with deadlines and responding to inquiries from the Title IX Coordinator, the investigator, or hearing officer. Coe College will address materials and set deadlines by communicating with the parties.

### **Investigation of a Formal Complaint**

Title IX regulations require that after a formal complaint is filed, Coe College must investigate the allegations. Coe College will be prompt, fair, and impartial in its investigation of formal complaints. College officials involved will discharge their obligations under these procedures fairly and impartially. Identified conflicts of interest will be disclosed to Coe College, addressed, and if necessary, other

appropriate individuals will be designated to fill the role of a potentially conflicted official. Sexual misconduct investigations are conducted by trained investigator(s) or other officials who receive training on issues related to sexual misconduct.

### **Investigators**

The Title IX Coordinator or their designee will choose one or more investigator(s) to review and investigate all details of formal complaint. The investigator(s) are trained staff, faculty, or attorneys that will be chosen based on availability and knowledge of the case. Both the complainant and the respondent may petition, in writing, to the Title IX Coordinator to have any investigator removed on the basis of bias or a conflict of interest. An investigator will only be removed should the Title IX Coordinator find credible evidence of bias or conflict. In the event that an investigator needs to be removed from the investigation for any reason, an alternative investigator will be selected by the Title IX Coordinator. If a sexual misconduct report is filed during the summer, members of previous investigation teams may be called to serve as investigators.

### **Statements, Evidence, and Witnesses**

At the outset of the sexual misconduct investigation, the complainant and respondent are both given the opportunity to submit a written incident statement regarding the incident. This includes identifying potential witnesses or those who may have relevant information about the investigation. These incident statements will be provided to the investigator and will be accessible to each party prior to the issuance of the investigation summary report. Coe College must share evidence gathered in the investigation with the parties.

While Coe College seeks to keep all written accounts of the incident confidential, the complainant and respondent may talk freely about the incident. Coe College encourages complainants and respondents to seek the counsel of those they trust.

Written material or information received by any party in the sexual misconduct investigation or hearing must be returned to Coe College upon final resolution of the sexual misconduct report. Failure to return material or information may result in separate disciplinary action.

In addition to providing written incident statements to the investigator(s), the investigation may involve in-person interviews with the complainant, the respondent, or other identified witnesses. If an in-person interview is requested, the investigator or Coe College representative will provide written notice of the date, time, location, participants, and purpose of the requested interview at least five calendar days before the interview. During the investigation, both the complainant and the respondent may identify relevant witnesses, including expert witnesses, to present to the investigators. Witnesses cannot be participating solely to speak about an individual's character. If it is clear a witness would not contribute relevant information about the case, the investigator(s) may choose not to interview the witness. The investigators will electronically record any interviews.

Also, during the investigation, the parties are encouraged to provide any other relevant evidence, 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 an impact statement, and a respondent may submit a mitigation statement. The impact statement and mitigation statement should be delivered to the hearing officer in a sealed envelope and open and used should the respondent be found responsible. Should the respondent be found not responsible, the hearing officer will return the sealed envelope to the respective parties.

Throughout the investigation, the burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rests on Coe College—not on a complainant or a respondent. Throughout the proceeding, until the issuance of a decision by the hearing officer, a respondent will be presumed not responsible for the allegations in the formal complaint. Each party will have an equal opportunity to present witnesses to the investigators, including expert witnesses. Each party will also have an equal opportunity to present evidence that they believe supports or disproves the allegations. Neither the investigators nor Coe College will restrict a party's ability to discuss the allegations under investigation, or gather and present relevant evidence.

The parties will have the same opportunity to have others present for the grievance procedure, including the opportunity to be accompanied to any investigation meeting by a single advisor.

Prior to issuance of the investigative report, discussed below, Coe College will provide all parties with notice that they have ten calendar days to inspect, review, and provide a written response to any evidence obtained as part of the investigation, including recordings or transcripts of the interviews conducted by the investigators and the incident statements discussed above. Coe College is legally obligated to provide the parties with access to all materials that were collected, whether they support or disprove the allegations in a formal complaint. However, Coe College will not and cannot provide adverse parties with the opportunity to confidential information that is subject to privacy laws, such as health information or records protected by privacy laws. A party may choose provide a written waiver of their right to maintain certain health or other records as confidential if the party believes that doing so makes sense under the circumstances.

All evidence collected will be made available to the hearing officer and the parties prior to the hearing, discussed below. Each party has ten calendar days from notice of the availability of the investigation materials to submit a written response to the investigation materials. The investigator(s) will consider a party's response to the investigation materials when completing the investigation summary report.

### **Investigation Summary Report**

At the conclusion of the investigation, the investigator(s) will prepare a written investigation summary report based on interviews with the complainant, respondent, witnesses, and other materials reviewed. The report will provide a fair summary of relevant evidence. An electronic copy of the report will be sent to each party and party's advisor at least five calendar days prior to the hearing discussed below.

### **Hearing**

A live hearing on the formal complaint will be scheduled no earlier than ten calendar days after the written investigation summary report is sent to the parties. Coe College will appoint a hearing officer to determine whether the respondent is responsible for the sexual misconduct alleged in the formal complaint. If the responding is found responsible for the conduct alleged in the formal complaint, the hearing officer, in consultation with the Title IX Coordinator, will determine the consequences and/or sanctions to be imposed. The hearing officer will be someone other than the Title IX Coordinator and investigator.

The hearing officer will report if they have a conflict of interest with any party or witness involved in the hearing, and Coe College will identify a suitable replacement hearing officer with no conflict of interest. If the complainant or respondent has reason to believe that any non-party individual involved in the grievance procedure has a perceived bias or conflict of interest, they can submit, in writing to the Title IX Coordinator, a request to change any individual involved in the grievance procedure at any point in this process. This request will be reviewed by any combination of the following individuals: the Dean of Student Experience, the Human Resources Director, and the Title IX Coordinator. If necessary, another individual will be designated.

Generally, the hearing officer will determine the procedure and method for the consideration of evidence

at the hearing, subject to the following requirements:

- The hearing will be recorded by audio or audiovisual means, or a transcript will be generated and made available to the parties within two weeks of the hearing.
- No one may attend the hearing except for the hearing officer, a representative or counsel for Coe College, the Title IX Coordinator, the Title IX Coordinator's designee, the Human Resources Director or their designee, the neutral investigator, the parties, an advisor for each party, and the witnesses, who will be sequestered from the portions of the hearing when they are not offering testimony. The neutral investigator may answer questions about the investigation questions and methods.
- Prior to the hearing, the hearing officer will receive and review the investigation summary report and all investigation materials from the investigator(s) for review. These materials include any statements, interviews, and material evidence submitted during the investigation process.
- The hearing will be conducted live. At any party's request, or at the discretion of the hearing officer, the hearing may be conducted with parties and advisors at different locations in separate rooms with technology enabling the hearing officer and parties to simultaneously see and hear the party or the witness answering questions. Hearings may also be conducted virtually provided technology enables the hearing officer and parties to simultaneously see and hear the party or the witness answering questions.
- At the hearing, the hearing officer will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including questions that challenge a witness's credibility.
- All cross-examination must be conducted directly, orally, and in real time by the party's advisor of choice, and never by a party personally.
- If a party does not have an advisor, Coe College will provide a list of advisors who are available to the party prior to the hearing. The party will be permitted to choose an advisor free of charge to that party, who may or may not be an attorney.
- Only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing officer must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- Questions and evidence about a complainant's sexual predisposition or prior sexual behavior is not relevant, unless those questions or evidence are offered to prove that someone other than the respondent committed the alleged conduct, or if the questions and evidence concerns specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- Evidence of a respondent's prior conduct violations may be relevant and admissible to determine a sanction, if a respondent is found responsible.
- A hearing officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing, or refusal to answer cross-examination or other questions.
- Prior to the hearing, the hearing officer or the hearing officer's designee may request more information from any parties/students, including the complainant, the respondent, or identified witnesses, involved in the case. Both parties will be notified of any additional interviews.
- After reviewing all evidence, including the evidence presented at the live hearing, the hearing officer will make a determination as to whether the respondent is responsible for the conduct alleged in the formal complaint. The burden of proof is the preponderance of evidence. Under this standard, responsibility is determined on a "is it more likely than not" basis.
- Within seven calendar days of receipt of the recording or transcript of the hearing, the hearing officer will issue a written determination of responsibility. The written determination will include:
  - The identity of the alleged sexual misconduct; A description of the procedural steps taken

- from the college's receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits (if any), methods used to gather evidence, and hearings held;
  - Findings of fact supporting the hearing officer's determination;
  - Conclusions on the application of the Title IX Sexual Misconduct Policy to the facts;
  - A statement of, and rationale for, the result as to each allegation, including a determination of responsibility;
  - A statement of disciplinary sanctions that Coe College is imposing on the respondent;
  - Whether remedies designed to restore or preserve equal access to the Coe College's education programs or activities will be provided by Coe College to the complainant; and
  - The procedural for appeal and permissible bases for appeal of the hearing officer's determination.
- In order to limit information shared about students, the Dean of Student Experience and/or Title IX Coordinator may direct the hearing officer to replace student names with non-identifiable names in the report and investigation materials.
- Sanctions and remedies will be based on the nature of the incident, the seriousness of the behavior, any prior conduct violations disclosed to the hearing officer, whether there is a pattern of sexual misconduct, safety concerns for the parties and the community, and other relevant facts.
- Sanctions may include one or more of the following:
  - oral or written reprimand
  - additional education or counseling
  - community service on or off-campus
  - no-contact orders
  - removal from college housing without a refund. Students who are dismissed during the term are subject to the Official Refund and Withdrawal Policy as outlined in the college catalog.
  - 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, disciplinary probation may be accompanied by other conditions as determined by the college. 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. Readmission must be applied for and may be contingent upon compliance with specific conditions.
  - Expulsion: permanent termination of enrollment from the college.
  - Termination of employment with the College.
- A student-respondent found responsible for non-consensual sexual intercourse will typically, but not necessarily always, receive a sanction in the form of suspension or expulsion, including a ban from campus.
- A student-respondent found responsible for non-consensual sexual contact (where no intercourse occurred) will typically, but not necessarily always, receive a sanction ranging from a disciplinary warning, removal from housing, to expulsion.
- In determining an appropriate sanction, the hearing officer will consider a number of factors, including:
  - the range of sanctions discussed above;
  - the nature of the conduct at issue;
  - the impact of the conduct on the complainant;
  - the impact or implications of the conduct on the Coe College community;
  - prior misconduct by the respondent, including the respondent's relevant prior discipline history, both at Coe College or elsewhere, and any criminal convictions, if that information is available and known;

- expressions of remorse or acceptance of responsibility by respondent
- maintaining a safe and respectful learning environment;
- protecting the Coe College community
- any specific action needed to eliminate or stop the misconduct, prevent its recurrence, or remedy its effects;
- other mitigating, aggravating, or compelling circumstances to reach a just and appropriate resolution

## Appeal

Either the complainant or the respondent has the right to appeal the hearing officer's determination. In order to appeal, a written letter stating the purpose of the appeal must be submitted to the Title IX Coordinator's office within seven calendar days of receiving the determination letter. The appeal letter shall consist of a concise and complete written statement of the grounds for the appeal. The appeal letter should be submitted by email to the Title IX Coordinator ([titleix@coe.edu](mailto:titleix@coe.edu)).

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

- Newly discovered evidence, not reasonably available at the time evidence was presented to the hearing officer, that could affect the outcome of the matter;
- Procedural errors that had a material impact on the outcome; or
- The Title IX Coordinator, investigator, or hearing officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter

The appeal letter must state which of the aforementioned grounds the appeal is based upon. Appeals of the hearing officer's decision shall be evaluated by an impartial decision-maker, referred to as the appeal officer. The appeal officer will be a Title IX Deputy Coordinator (not previously involved in the case) or Title IX Coordinator's designee.

The appeal officer will be different from the Title IX Coordinator, investigator, and hearing officer. The appeal officer must be free of any conflict of interest with any party or witness. Based on the appeal letter, the appeal officer must reject the appeal without further consideration if it was not timely filed or not made on appropriate grounds. If the appeal officer determines that an appealing party has timely filed and identified a permissible basis for the appeal, the Title IX Coordinator will notify both parties. If the appeal is accepted, the non-appealing party will 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 calendar days of the receipt of the notice of acceptance of the appeal. The non-appealing party will receive notice of the receipt of the appeal and if it is accepted for further review. Any written appeals or response statements will be sent to the opposing party within seven calendar days of acceptance.

In any appeal, the burden of proof lies with the party making the appeal, since the original determination and sanctions are presumed to have been decided reasonably and appropriately. The appeal officer shall consider the merits of an appeal only on the basis of the grounds for appeal, discussed above, and the supporting information provided in the written request for appeal, along with the record of the original hearing.

The appeal officer can affirm the original findings, alter the findings, and/or alter the sanction depending on the basis of the appeal. If the appeal officer determines that procedures were not followed and had a material impact on the outcome of the proceeding or the sanction, the appeal officer can ask that a new hearing occur before a different hearing officer. In the case of new and relevant information, the appeal officer can recommend that the case be returned to the original hearing officer to assess the weight and effect of the new information and render a determination after considering the new facts.

The appeal officer will communicate the result of the appeal in writing to the parties within ten calendar days from the date of submission of all appeal documents by all parties. Appeal decisions are final.

### **Finality of Outcome**

The outcome and any sanction rendered by the hearing officer will be considered final and binding upon the expiration of the appeal deadline or exhaustion of the appeal process. A complainant may not elect to pursue informal resolution after the outcome or sanction becomes final.

### **Rights of the Complainant**

- The right to be free from any kind of pressure that you should: (1) not report crimes committed against you to civil and criminal authorities, campus security, and disciplinary officials; or (2) report crimes as lesser offenses than the complainant perceives them to be;
- The right to be free from any kind of suggestion that campus sexual misconduct reporters not report or underreport crime because: (1) reporting parties are somehow responsible for the commission of crime against them; (2) reporting parties were negligent or assumed the risk for being assaulted; or (3) by reporting crimes they would incur unwanted personal publicity.
- The right to investigation and appropriate resolution of all credible reports of sexual misconduct made in good faith to Coe College administrators;
- 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;
- The right to be informed by Coe 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 administrators in notifying such authorities, if the student so chooses. It also includes the right not to report, if this is the complainant's desire;
- The right to be notified of available counseling, mental health, or student services for reports 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 (no formal reporter investigation need to occur before this option is available). Such options may include:
  - Change of an on-campus student's housing to a different on-campus location; or
  - Assistance from college support staff in completing the relocation;
  - Arranging to dissolve a housing contract and prorating a refund;
  - Exam (paper, assignment) rescheduling;
  - Taking an incomplete in a class;
  - Transferring class sections;
  - Temporary withdrawal;
  - Alternative course completion options
- The right not to have irrelevant prior sexual history admitted as evidence in a hearing;
- The right to make an impact statement and to have that statement considered by the hearing officer in determining its sanction;
- The right to 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 reporting students 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 the complainant of the results of such testing.

- The right to appeal the finding and sanction of the hearing officer;
- The right to review all evidence gathered in the investigation, subject to privacy considerations explained elsewhere 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 hearing officer or appeals officer be removed on the basis of demonstrated bias or conflict of interest.
- The right to bring an advisor to all phases of the investigator and hearing.
- 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 challenge documentary evidence or testimony presented by witnesses or the respondent, including the right to cross-examine witnesses with an advisor of your choice at a live hearing;
- The right to review all testimony given and evidence presented during the investigation and hearing;
- The right to have reports hearing by hearing officers or appeals officer members who have received appropriate sexual misconduct review training

### **Rights of the Respondent**

- The right to investigation and appropriate resolution of all reports of sexual misconduct made to college administrators against the respondent;
- 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 conduct process;
- The right to timely written notice of all alleged violations within the report, including the nature of the violation and possible sanctions;
- The right to exclude irrelevant prior sexual history as evidence in the grievance procedure;
- The right to make a statement during the investigation and hearing and to have that statement considered by the hearing officer;
- The right to make a mitigation statement in the event the respondent is found responsible to have that statement considered by the hearing officer in determining a sanction;
- The right to appeal the finding and sanction of the hearing officer;
- The right to review all evidence available in the investigation, subject to privacy considerations explained elsewhere in this policy;
- The right to disciplinary proceeding closed to the public;
- The right to petition that any investigator or hearing officer or appeals officer member be removed on the basis of demonstrated bias or conflict of interest;
- The right to have the college reasonably encourage the presence of student, faculty, and staff witnesses;
- The right to review all testimony given and evidence presented during the investigation and hearing, including the right to cross-examine witnesses with an advisor of your choice at a live hearing;
- The right to challenge documentary evidence or testimony presented by witnesses or the complainant;
- The right to have formal complaints heard by a hearing officer who has received appropriate sexual misconduct review training;
- The right to have one advisor to accompany and assist in the campus disciplinary process;
- The right to a campus conduct outcome based solely on evidence presented during the grievance procedure;
- The right to written notice of the outcome and sanction;

- The right to be informed in advance, when possible, of any public release of information regarding the grievance procedure;
- The right to be presumed not responsible for sexual misconduct.
- 

## Frequently Asked Questions

*Does the report and determination from the hearing officer remain confidential?*

The privacy of all parties to a report of sexual misconduct must be strictly observed, except insofar as it interferes with Coe College's obligation to fully investigate and determine allegations of sexual misconduct. Where privacy is 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 reporting procedure is not permitted. In all reports 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, e.g. security bulletin, of the nature of the violation and the action taken, using no names. Certain college administrators are informed on a confidential basis when appropriate (i.e., the President of the College, Dean of Student Experience, Director of Security, College Counsel, Provost, and Associate Vice President for Human Resources). 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 complainant 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 I have to confront the respondent?*

Yes, if you file a formal complaint and choose to proceed with the grievance procedure. Sexual misconduct is a serious offense and the accused has the right to confront the complainant. 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 respondent?*

Yes, if you want to proceed with the formal grievance procedure 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 complainant. The Title IX Coordinator or Dean of Student Experience or designee can explain the college's procedures for dealing with sexual misconduct reports.

*What do I do about preserving evidence of a sexual assault?*

If you believe you have been a victim of a criminal sexual assault and you want to preserve evidence of the assault, you should go to St. Luke's Hospital Emergency Room (1026 A Ave NE, Cedar Rapids, IA 52406 –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 and ER will refer you. Evidence can still be collected if you have bathed since the incident. A medical professional may be able to collect physical evidence of a sexual assault within 72

hours of the assault. 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 the hospital and Coe Security can provide transportation to the hospital. Victim advocates are available in Cedar Rapids through the 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). If 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 or advisor 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 contain evidence for the police to collect.

*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 prior use or abuse is relevant to the current report.

### **Informal Resolution of a Formal Complaint**

Informal means of resolution, such as mediation, may be used in lieu of the grievance procedure, or, in some circumstances, utilized even after the grievance procedure is underway. Informal resolution is only available after a formal complaint has been filed, prior to a final determination of responsibility. The following standards apply to any informal resolution method that is utilized:

- The decision about whether to pursue informal resolution as a final and binding resolution of a formal complaint will be made by any of the following individuals, or a combination of them: the Dean of Student Experience, the Title IX Coordinator, and the Associate Vice President of Human Resources.
- The parties' written, voluntary consent to the informal resolution process will be obtained.
- Informal resolution is available to parties throughout the grievance procedure, including from the time a formal complaint is filed and through the appeal process.
- If an individual decides to file a formal complaint that individual has the right to decide whether to continue with the grievance procedure.
- The parties will not be required to "work out" the problem directly with each other.
- Either party may terminate the informal process at any time and resume the grievance procedure.
- Informal resolution is not available to resolve a formal complaint alleging that an employee engaged in sexual misconduct toward a student.
- Timeframe for informal resolution will be no longer than twenty calendar days.
- 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 Coe 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; or referral of the parties or party to counseling programs;
  - Conducting educational and/or training programs; or

- An agreement for corrective action.

The Title IX Coordinator or the Title IX Coordinator's designee will have discretion to determine whether or not informal resolution, or any particular form of informal resolution, is appropriate to the circumstances. For example, while mediation may be an effective form of informal resolution for some matters, it may not be effective or appropriate in all cases.

If an informal resolution is sought, it may satisfy a complainant's desire to proceed with the grievance procedure, and may provide a faster outcome. When a formal complaint has been informally resolved, parties will be asked to sign a document acknowledging the mutually agreed upon resolution.

A final and binding informal resolution, which precludes the parties from resuming the grievance procedure, must be in writing and signed by all parties, including a representative of the college. To be considered a final and binding informal resolution, the written informal resolution agreement must state that the parties and the college understand that the resolution is intended to fully and finally resolve the matter subject to the reported sexual misconduct and/or formal complaint of sexual misconduct.

Informally resolved complaints will not be treated as disciplinary records and would not be part of a student's educational records, or responsive to a request for records under the Family Educational Rights and Privacy Act ("FERPA"). However, conduct that is alleged in an informally-resolved complaint may be used as evidence to establish a pattern or practice of sexual misconduct if a subsequent formal complaint is filed against the same respondent.

### **Procedure for Other Reports of Prohibited Misconduct**

Some reports may involve conduct that Coe College cannot process through the grievance procedure for formal complaint. Coe College may choose to address this conduct through other disciplinary processes. Examples conduct that cannot be addressed through the Title IX Sexual Misconduct Policy, but may be addressed through Coe College's Student Handbook, Faculty Handbook, or Staff Handbook. Conduct subject to the policies and disciplinary procedures other than the Title IX Sexual Misconduct Policy, includes:

- Inappropriate conduct, including harassment or discrimination on the basis of a characteristic other than sex, such as race, skin color, religion, age, disability, or veteran's status
- Sex-based conduct that is inappropriate but does not meet the definition of harassment under the Title IX Sexual Misconduct Policy;
- Misconduct that occurred outside the United States or its territories;
- Misconduct by a member of the Coe College community directed toward a person or group that was not participating or attempting participate in an educational program or activity
- Any other misconduct prohibited by Coe College's other policies.

### **Investigation and Resolution of Formal Complaints when the Accused Person is a Faculty or Staff Member**

If the accused person is a faculty member or staff member and the alleged conduct does not involve potential sexual misconduct with a student, the parties may pursue informal resolution, and the informal resolution policy discussed above will apply. The Human Resources Office will be consulted for informal resolution involving a complaint against a faculty or staff member.

If the accused person is a faculty member or staff member, and formal disciplinary action is pursued through a formal complaint, Title IX regulations require that the faculty or staff member be subject to the grievance procedure discussed above. If a staff or faculty member is found responsible for sexual

misconduct by the hearing officer, the hearing officer's sanction may, in certain cases, recommend adverse employment action for the responsible faculty or staff member. Adverse employment action includes, but is not limited to: termination of employment, suspension, leave, a change in pay or benefits, a change in job title, position or rank, or a substantial change to job duties and responsibilities. If the hearing officer recommends adverse employment action for a faculty or staff member, the faculty or staff member will be temporarily placed on paid leave while the Title IX Coordinator, Associate Vice President for Human Resources, Dean of Student Experience, or their designee consider the finding of responsibility and recommended sanctions.

Together, these officials will use the applicable faculty or staff disciplinary policies and processes to review the investigation summary and finding of responsibility from the hearing officer to determine the nature of the imposition of any adverse employment action, and may rely on materials generated in the grievance procedure. However, immediately after a faculty or staff member is found responsible for sexual misconduct and exhausted the appeal process discussed above, and while review of any recommended adverse action is undertaken through the applicable faculty or staff disciplinary processes, Coe College will ensure that the complainant or individual who experienced the alleged sexual misconduct is fully restored to their education program or activity and will not be subjected to further potential sexual misconduct by the faculty or staff member found responsible for sexual misconduct.

### **Retaliation**

No member of the Coe College community may intimidate, threaten, coerce, or discriminate against any individual for the purpose of interfering with any right or privilege under Title IX or Coe College's Title IX Sexual Misconduct Policy. This means that no one can take negative action toward a member of Coe College who has filed a report, formal complaint, or otherwise participated in any investigation or hearing under the Title IX Sexual Misconduct Policy. A person who engages in intimidation, threats, coercion, or discrimination because someone has exercised their rights under Title IX or this policy can be subject to the grievance procedure in this policy.

### **Prevention and Education Programs**

Coe College is committed to preventing sexual misconduct through education and awareness programs. Incoming students and new faculty and staff are expected to take prevention and awareness training as part of their orientation, and all students and employees may be subject to ongoing or additional training or related programs. All members of the Coe College community are expected to follow this policy.

### **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 at <http://www.iowasexoffender.com/>.

## Crime Statistics

In compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, or Clery Act, Coe College has posted the Clery Act at <https://www.coe.edu/why-coe/consumer-information> for public review. The Clery Act discusses college security policies, crime prevention information, crime statistics, and provides helpful information to create a safe campus. A Daily Crime Log listing all crimes that occur on campus is maintained in the Dean of Students Office and is available for public review during normal business hours.

Clery Crime Statistics				On Campus			Non-Campus			Public		
Reported	On Campus			Residence*			Property			Property		
Offense Type	2018	2019	2020	2018	2019	2020	2018	2019	2020	2018	2019	2020
<b>Clery Crime Statistics</b>												
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	1	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	1	0
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	1	0
Rape	9	1	2	9	1	2	0	0	0	1	0	0
Fondling	2	0	0	2	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
<b>Violence Against Women Act (VAWA)</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>									
Stalking	0	1	2	0	1	2	0	0	0	0	0	0
Domestic Violence	0	1	0	0	1	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
<b>Hate Offenses</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>									
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	5	0	0	5	0	0	0	0	0	0
Destruction, Damage, Vandalism of Property	0	0	0	0	0	0	0	0	0	0	0	0
<b>Arrests</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>									
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Drug Violations	0	0	1	0	0	1	0	0	0	0	0	0

Weapons Violations	0	0	0	0	0	0	0	0	0	0	0	0
<b>Non-Arrest Campus Referrals</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>									
Alcohol Violations	22	41	45	22	41	44	0	0	0	0	0	0
Drug Violations	29	25	43	29	25	41	0	0	0	0	0	0
Weapons Violations^	1	0	0	1	0	0	0	0	0	0	0	0

NOTE: Sodomy and sexual assault with an object are included in the rape category.

\* On-Campus Residence crimes are included in the On-Campus numbers. ^A weapon was not used. A student was reported to have a small hunting knife.

## Fire Safety Report

This report has been prepared to comply with the Higher Education Opportunity Act (HEOA). The Daily Fire Log as well as the Daily Crime Log are available for public inspection at the Reservations Office. Coe College takes fire prevention and safety very seriously. Our maintenance staff ensures our buildings meet or exceed the state fire code. As shown in the following chart, all residence halls have an audible alarm that sounds when smoke or fire are present. All fires must be reported to Security (319-399-8888). Additionally, all buildings equipped with a fire alarm are also equipped with a wireless notification system that immediately notifies Security of the alarm. Security will immediately respond and investigate the cause of the alarm. If it is determined there is a fire that cannot be extinguished by Security, Security will call 911 to request response by CRFD.

### Fire Statistics

Location	Total Fires	Fire #	Date	Time	Cause	Injuries Treated	Property Damaged	Deaths	Value of Damage

### Residential Fire Safety Systems and Drills

The following information details the fire safety systems in each residence hall or house in which student reside at Coe College. At this time, there are no plans to expand fire safety measures based on campus building materials used in construction and the existing monitoring/suppression devices.

Residence Halls	Fire Alarm Monitoring System	Partial Sprinkler System	Full Sprinkler System	Smoke Detection	Fire Extinguishers	Evacuation Plan	Yearly Fire Drills	Yearly Tornado Drills
Armstrong Hall	X			X	X	X	4	2
Douglas Hall	X			X	X	X	4	2
Greene Hall	X			X	X	X	4	2
Voorhees Hall	X		X	X	X	X	4	2
Murray Hall	X			X	X	X	4	2
Brandt Hall	X		X	X	X	X	4	2
Schlarbaum Hall	X		X	X	X	X	4	2
Morris Hall	X		X	X	X	X	4	2
Spivey Hall	X		X	X	X	X	4	2
Coe Apartments				X	X	X	4	2
Kohawk I House				X	X	X	4	2
E Ave Apts				X	X	X	4	2
Pink House				X	X	X	4	2
Green House				X	X			
Grey House				X	X			
Kohawk Village	X			X	X	X	4	2
Hampton Court Apartments	X			X	X	X	4	2
Kohawk III House				X	X	X	4	2
Whipple Fire House	X			X	X	X	4	2
8Plex				X	X	X	4	2
4Plex				X	X	X	4	2

Fire Drills are conducted semi-annually in all residence halls on campus and are monitored by the residence life staff and Security staff. The purpose of these drills is to prepare occupants for an organized evacuation in case of fire or other emergency.

### **Residential Evacuation Procedures**

All faculty, staff, and students should learn the evacuation routes and stairwell locations for all campus buildings the frequently occupy. Evacuation maps and information are posted inside each residence hall student room on campus. During an evacuation for fire or another emergency, occupants are encouraged to take personal belongings (purse, wallet, student ID card, cell phone, etc.) and follow the evacuation procedures for their building (close your door, proceed to the nearest exit and use the stairs, not the elevators). Once you have evacuated, seek shelter in the nearest campus building. If Security, law enforcement, or fire department personnel are on the scene, follow their directions.

### **Instructions in Case of Fire**

#### ***If you spot a fire:***

1. Activate the fire alarm to notify other residents.
2. Call Security, 319-399-8888. They will notify the Fire Department.
3. Close all doors leading to the fire area.
4. Residents and their guests should vacate the building. Before leaving your room, put on shoes and take a towel. Leave the building by the nearest exit.

#### ***If you hear the building alarm:***

1. Feel your doorknob; if it's hot, don't open it. If it's cool, with your foot and hip bracing the door, open it enough to look into the hall. If it's safe, proceed to the nearest exit (wearing shoes and taking a towel).
2. If smoke or flames force you to stay in your room, put towels or sheets around cracks in the door.
3. Call Security, x8888. Then go to the window and wave a towel or sheet.

#### ***If caught in smoke:***

1. Do not breathe in smoke
2. Breathe shallow through your nose and use a shirt or towel to breathe through if possible
3. Drop to your hands and knees and crawl to the nearest safe exit

#### ***If trapped in a building:***

1. Close all doors and windows to the room
2. Place cloth material under the door to prevent smoke from entering
3. Call for help using a phone or cell phone
4. Attempt to signal people outside of the building through the window

#### ***Using a fire extinguisher***

1. Report the fire first by calling 319-399-8888
2. Use a fire extinguisher ONLY if you have been trained to do so
3. If you have any doubt of your ability to fight the fire, exit immediately
4. If you decide to use a fire extinguisher, place yourself between the fire and an exit
5. To use the fire extinguisher, follow the **PASS** method:
  - Pull the pin to break the tamper seal
  - Aim low, pointing the nozzle at the base of the fire
  - Squeeze the handle to release the extinguisher agent
  - Sweep from side to side at the base of the fire until the fire is out

*\*\*If the fire re-ignites, repeat the steps above*

## Residential Fire Safety Policies

**Prohibited Items** - The following items are prohibited in the residence halls and surroundings areas:

- personal air conditioners or air conditioning units
- gas or charcoal grills
- refrigerators greater than 4.5 cubic feet (limit of one refrigerator per room)
- extension cords and power strips (surge protectors are permitted)
- halogen lamps, including lava lamps, and other lamps with increased risk for causing fires
- toasters, toaster ovens, pizza ovens, hot plates, or other items with an open heating element
- space heaters
- candles, candle warmers, incense, or any other open-flamed or burning items\*
- fireworks or other explosives (see weapons policy)
- weapons including prop or theater weapons (see weapons policy)
- laboratory chemicals
- hover boards, electric skateboards, or similar items containing batteries with increased risk for causing fires
- natural Christmas trees
- hookahs

**\*Candles and Incense** For fire safety reasons, candles, incense, or any other open-flamed devices are not permitted in any college owned residence. Students with religious observance needs not met by this policy may contact their Assistant Director of Residential Life, Associate Dean of Residential Experience, or Dean of Residential Experience.

### Loft Policy

Lofts are permitted in designated residence halls from our approved vendor. Homemade lofts are not permitted. Lofts must allow for doors to open completely. For fire safety purposes, it is recommended that lofts be constructed, so that the distance between the top of the mattress to the ceiling be maximized (at least 3 feet is ideal). At the end of the year, lofted beds must be dismantled prior to finals week and the room, along with its furnishings, must be restored to its original condition. Please note that Coe College assumes no responsibility for injury due to loft use and/or construction. Students are responsible for any damage to the room and to personal property caused by the loft.

### Tampering with Safety Equipment Policy

Students who tamper with safety equipment are subject to disciplinary action. Tampering includes, but is not limited to: altering, covering, removing, or damaging safety equipment; activating alarms (such as fire alarm stations) without proper cause; discharging or removing safety equipment (such as fire extinguishers) without proper cause; etc. Safety equipment includes, but is not limited to: fire extinguishers, fire alarms, door alarms, exit signs, emergency signs, etc. Persons identified as having tampered with safety equipment will be subject to a fine of \$100.00 (at minimum), in addition to the costs needed to repair or replace the equipment.

If fire extinguishers are discharged or alarms are activated without proper cause, residents will be given the opportunity to identify the responsible person(s). If, after 48 hours, the responsible person(s) have not been identified, a charge may be assessed to an entire wing, floor section, or hall.

If the College incurs a charge from the Cedar Rapids Fire Department resulting from the false activation of a building's fire alarm, then this charge will be assessed to the responsible person(s). If, after 48 hours, the responsible person(s) have not been identified, the costs incurred may be assessed to an entire wing, floor section, or hall. In order to limit damage to campus buildings and safety equipment, sports cannot be played in the hallways of buildings unless approved by Residential Life professional staff. The sports prohibited in hallways include, but are not limited to: baseball, softball, basketball, frisbee (or other flying

discs), football, golf, tennis, soccer, biking, rollerblading, skateboarding, etc.

### **Dangerous Behavior Policy**

Any student behavior with a potential negative impact on the Coe College community may result in disciplinary action.

Dangerous behavior includes, but is not limited to:

- failing to comply with health and safety guidelines;
- threatening, attempting, and/or causing physical harm to another person or persons;
- hanging out of building windows;
- throwing objects out of building windows;
- walking on the ledges of buildings, walls, rails, or fences, etc.;
- climbing the sides of buildings or walls;
- accessing and/or entering the rooftops of college buildings;
- unauthorized access of campus buildings or rooms;
- failing to heed emergency alarms, such as fire or severe weather alarms;
- failing to heed the instruction of emergency responders or college personnel, etc.
- Please note: students who fail to leave a building for a fire alarm and/or heed the instruction of emergency responders or college personnel are subject to a \$100.00 fine.

Dangerous behavior with malicious intent (intending to do harm) may result in immediate removal from campus housing and additional disciplinary action.

### **Emergency Response and Training**

All buildings are equipped with a fire alarm system and can be monitored near the entrance of each building. Security Officers are notified and can be dispatched to the location should any fire alarm activate in a campus building. Security Officers and the residence life staff are not trained fire fighters but have received training in fire extinguisher use. Coe College relies on the Cedar Rapids Fire Department, a professional fire department located throughout Cedar Rapids with the closest station being ½ of a block from campus.

Each year, residence life staff and Security Officers complete fire alarm orientation training to enhance their understanding of the fire alarm systems in each campus building. The majority of fire alarms at Coe College are activated by burned food in residence hall kitchens or microwaves. Rarely is there any fire associated with the activation of a fire alarm on campus since smoke will activate the system first.

#### **Fire Log**

A fire log is maintained at the Reservations Office and is available for public inspection upon request. This log contains information regarding all fires on campus including the nature of the fire, the date and time the fire occurred, and the general location of the fire for the most recent sixty days. Upon request, information regarding fires on campus older than sixty days will be made available within two business days.

#### **Fire Drills**

Unannounced but scheduled fire drills are conducted twice annually, once per term, in all residence halls.

**Per federal law, Coe College is required to annually disclose statistical data on all fires that occur in on-campus student housing facilities.**

Listed below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing. These are fires for which you are unsure whether Coe College Security, Maintenance, or Residential Life may already be aware. If you find evidence of a fire or if you hear about such a fire, please contact one of the following:

- Coe College Security: 319-399-8888
- Coe College Student Development Office: 319-399-8843
- Coe College Physical Plant: 319-399-8669

When calling, please provide as much information as possible about the location, date, time, and the cause of the fire.