

TITLE IX

CONSENT IS AFFIRMATIVE • CLEAR • KNOWING • VOLUNTARY • REQUIRED



COE COLLEGE: TITLE IX SEXUAL MISCONDUCT FORMAL COMPLAINT

Individuals who believe that Sexual Misconduct has occurred may file this “Formal Complaint” of Sexual Misconduct. A Formal Complaint of Sexual Misconduct is subject to the Grievance Procedure in the Title IX Sexual Misconduct Policy, which can be found in its entirety online at www.coe.edu/title-ix. Formal Complaints of Sexual Misconduct 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 (individual submitting the complaint) must sign by hand or by digital signature, this document that alleges Sexual Misconduct against a respondent (individual alleged of the misconduct) 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.

TO SUBMIT THIS FORM: To submit a completed Formal Complaint to the Title IX Coordinator, please email this completed report form to the Title IX Coordinator at Coe College, who is Olivia Pendleton.

Olivia Pendleton, Coe College Title IX Coordinator

Email: titleix@coe.edu

Phone: 319.399.8843

Office Location: Student Life Office, Upper Gage Memorial Union

DOCUMENT: Please document as much as you remember. Again, in order to proceed with a Formal Complaint, there must be an allegation of misconduct and the complainant must provide their hand-written or digital signature (see page 3).

INFORMATION ABOUT THE COMPLAINANT(S)/RESPONDENT(S)

- *Complainant(s): The person, persons, or group making the allegations of sexual misconduct.*
- *Respondent(s): The person, persons, or group against whom a complaint of sexual misconduct has been made.*

COMPLAINANT(S) NAME(S):

Complainant Gender:

Complainant Affiliation to Coe (example: student, faculty, staff, etc.):

If the complainant is a student, what academic year is the student:

Complainant Residence (example: on-campus residence hall, off-campus, etc):

Other Complainant Information (optional):

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RESPONDENT(S) NAME(S):

Respondent Gender (if known):

Respondent Affiliation to Coe (if known):

If the offender(s) is a student, what academic year is the student:

Respondent(s) Residence (if known):

Respondent(s) Relationship to Survivor (example: partner, ex-partner, friend, colleague, supervisor, etc.):

Other Respondent Information (optional):

INCIDENT DATE/TIME

What year did this happen?

Do you remember the exact date? If so, please share the date:

Do you remember the time? Or the time of day?

PLEASE NOTE: If you have experienced sexual assault, you can receive a free medical attention from a trained sexual assault nurse examiner (SANE) at one of the local Cedar Rapids hospitals. SANEs can help treat injuries, address possible exposure to STIs, and collect evidence. If this reported incident has happened within the last 72 hours, it is possible that a SANE can collect DNA evidence, as well. Patients have autonomy in accepting or refusing different parts of the medical care provided by a SANE. If you would like to pursue an exam with a SANE, services are available at the following:

UnityPoint Health - St. Luke's Hospital in Cedar Rapids

Address: 1026 A Ave NE, Cedar Rapids, IA 52402, across from Greene Hall

Phone: (319) 369-7211

Mercy Medical Center in Cedar Rapids

Address: 701 10th St SE, Cedar Rapids, IA 52403

Phone: (319) 398-6041

INCIDENT LOCATION:

Did this incident happen on-campus or off-campus?

The location of the incident was:

In a Residence Hall (please name hall if possible):

On-Campus, but not in housing (please specify if possible):

Off-Campus, college sponsored event (please specify if possible):

Off-Campus, not at a college-sponsored event (please specify if possible):

Unknown

Are there any other details you remember about the location of the incident? Please share to the extent you feel comfortable (examples: exact address, building number, neighborhood, street signs, etc.):

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ALLEGATION INFORMATION

The Complainant(s), _____ write complainant(s) name(s),
allege that the Respondent(s), _____ write respondent(s)
name(s), committed sexual discrimination and/or sexual harassment, as defined by the Coe College Title
IX Sexual Misconduct Policy. The specific form(s) of sexual discrimination and/or sexual harassment that
the Complainant alleges is/are the following (please check all that apply):

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.

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.

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.

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.

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.

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.

SIGNATURE REQUIRED TO SUBMIT FORMAL COMPLAINT:

***I/We, _____ complainant(s) name(s) submit
this Formal Complaint alleging the misconduct of _____
(respondent(s) name(s), and request that Coe College investigate the Formal Complaint and begin
the Coe College Grievance Procedure for incidents of sexual misconduct under Title IX.***

Complainant(s) Signature(s): _____

Date Signed: _____

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INCIDENT DESCRIPTION

Please share as much information about the incident as possible. We recognize this reporting process can be taxing and challenging. **Please take breaks and seek support in this documentation process as needed.** Information about confidential resources, if desired, is listed on page six. In addition, for incidents of sexual misconduct, Coe College will not pursue disciplinary action for other policy violations connected to the incident. **If alcohol use or drug use had a role in this incident, we encourage you to share this information freely and without concern of repercussions.** Other information to include in this description includes: events prior to the misconduct, events after the misconduct, witnesses who might have more information, etc.

Incident Description:

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A NOTE ON EVIDENCE

In the case that the survivor wants to pursue the grievance process and a formal investigation in the future, evidence can be extremely helpful.

Evidence can include:

- **Electronic Evidence, such as:**
 - Emails, Photos, Videos
 - Call logs from phone conversations
 - Text messages
 - Screenshots
 - Social media interactions (Instagram, Snapchat, Twitter, Facebook, etc.)

Preserving Electronic Evidence: *Save copies of electronic evidence on your personal computer, phone, or a USB drive that only you have access to. Take screenshots of all messages, photos, etc. Do not delete messages, photos, or videos, even if you have a screenshot. When taking screenshots, do so in a manner that captures the flow of the conversation. For example: repeat the last line of the message on the top of the next screen shot.*

- **Physical Evidence, such as:**
 - Clothing
 - Bedsheets
 - Condoms

Preserving Physical Evidence: *Physical evidence can be used should a survivor decide to pursue criminal action with the police. To preserve physical evidence, place each item in its own paper bag (plastic bags can be used, but can eliminate DNA) and store this evidence someplace that only the survivor can access it.*

AFFIRMATIVE CONSENT

At Coe College, our Title IX Sexual Misconduct Policy is based upon affirmative 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.

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In short, consent is affirmative, knowing, clear, voluntary, and REQUIRED. Non-consensual sexual contact is never okay. Regarding consent, would you share how affirmative consent was or was not given or required for this incident?

CONFIDENTIAL RESOURCES

On-Campus Confidential Resources:

- **Emily Barnard**, *Director of Wellness and Counselor* Email: ebarnard@coe.edu; Phone Number: 319.399.8843
- **Jayne Thompson**, *College Chaplain and Counselor* Email: jthompson@coe.edu; Phone Number: 319.399.8843
- **Cathy Muller**, *Student Care Coordinator & Counselor* Email: cmuller@coe.edu; Phone Number: 319.399.8843
- **Kayla Waskow**, *Athletics* Email: kwaskow@coe.edu; Phone Number: 319.399.8625

Off-Campus Confidential Resources:

- Riverview Center Sexual Assault Hotline, 888.557.0310 (free, advocates available 24/7)
- St. Luke's Hospital Emergency Room, 319.369.7105
- Mercy Medical Center Emergency Room, 319.398.6041
- Mt. Mercy Olson Marriage and Family Clinic, 319.368.6493
- Iowa Sexual Abuse Hotline, 800.284.7821
- Iowa Crime Victim Assistance Division, 800.373.5044
- Iowa Coalition Against Sexual Assault, 515.244.7424
- RAINN – Rape, Abuse, Incest National Network, 800.656.HOPE (4673)

STATEMENT ON LEGAL ACTION

If there is legal action pursued related to this incident of sexual misconduct, it is possible that the prosecutor, the offender, or others involved in the investigation could legally compel you or others you share this completed form with to provide it for their review and use. In that case, inconsistencies between what is documented here and what is said and/or written latter could be used against you. We encourage you to only save and submit what you are certain of and what you would be comfortable with others reading at a later point.