Sexual Misconduct

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. All Coe College community members have a responsibility to adhere to Coe College’s policies, local, state, and federal law.

Types of Sexual Misconduct

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

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual’s employment or educational opportunities (i.e. quid pro quo harassment);
- Submission to or rejection of such conduct by an individual is used as a basis for employment or educational opportunities affecting such individual, and/or;
- Such conduct has the purpose or effect of unreasonably interfering with an individual’s work or educational opportunities.

**A Hostile Environment** is created when sexual harassment is:

- sufficiently severe, or
- persistent or pervasive, and
- objectively offensive that it unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the college’s educational and/or employment, social and/or residential program

Some examples of sexual harassment include but are not limited to:

- Pressure for a dating, romantic, or intimate relationship
- Unwelcome touching, kissing, hugging, rubbing, or massaging
- Pressure for sexual activity
- Unnecessary references to parts of the body
- Sexual innuendos, jokes, humor, or gestures
- Displaying sexual graffiti, pictures, videos, or posters
• Using sexually explicit profanity
• Asking about, or telling about, sexual fantasies, sexual preferences, or sexual activities
• Social media use that violates this policy
• Leering or staring at someone in a sexual way, such as staring at a person’s breasts or groin
• Sending sexually explicit emails or text messages
• Commenting on a person’s dress in a sexual manner
• Giving unwelcome personal gifts such as flowers, chocolates, or lingerie that suggest the desire for a romantic relationship
• Exposure of genitals without consent
• Commenting on a person’s body, gender, sexual relationships, or sexual activities

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:
  • Intentional touching of another person’s intimate parts without that person’s consent; or
  • Other intentional sexual contact with another person without that person’s consent; or
  • Coercing, forcing, or attempting to coerce or force a person to touch another person’s intimate parts without that person’s consent; or
  • 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.

Sexual Exploitation occurs when a person takes sexual advantage of another person for the benefit of anyone other than that person without that person’s consent. Examples of behaviors that could rise to the level of sexual exploitation includes but is not limited to:
  • Prostituting another person;
  • Recording images (e.g., video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness without that person’s consent;
  • Distributing images (e.g., video, photograph) or audio of another person’s sexual activity, intimate body parts, or nakedness, if the individual distributing the images or audio knows or should have known that the person depicted in the images or audio did not consent to such disclosure and objects to such disclosure;
  • Viewing another person’s sexual activity, intimate body parts, or nakedness in a place where that person would have a reasonable expectation of privacy, without that person’s consent, and for the purpose of arousing or gratifying sexual desire.

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 type of relationships (e.g., heterosexual, same sex, or any other type of relationship).

**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, cells 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 through force, coercion, incapacitation, and/or without affirmative consent. Note that some behaviors may violate other general college policies as well as the sexual misconduct policy. In such cases, the sexual misconduct policy will take precedence and the college will follow the sexual misconduct procedure.

**Filing a Complaint**

If any member of the Coe community believes that another member of the community has violated the sexual misconduct policy, he or she may file a complaint. Except for the designated confidential resources, Coe College faculty and staff are required to report violations of this policy. The complaint should include sufficient information to enable the College to understand the nature of the complaint and initiate an investigation. To report an incident of sexual misconduct, it is recommended that you report to one of the following staff members: Title IX Coordinator, 319-399-8843, Student Development Suite in Upper Gage, titleIX@coe.edu; Dean of Students Office, 319-399-8843, Student Development Suite in Upper Gage, dos@coe.edu; Human Resources, 319-399-8098, Business Office in Voorhees Hall, o-hr@coe.edu

The 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’s website: [Sexual Assault Anonymous Reporting Form](#).

The college has partnered with Callisto to provide an easier to access reporting option. Callisto is an online system that provides a trauma-informed platform for students to document and report sexual assault. When reporting through Callisto, students will have three options: (1) Write a time-stamped record of what happened, (2) Send the report to the Coe administration, (3) Enter a perpetrator’s identity, which will only be sent to the Coe administration if another person names the same perpetrator. Often, survivors of sexual misconduct do not report until after 11 months or later. Callisto allows students to preserve memories and evidence in a time-stamped record without having to report to the college. Students can report through Callisto on the following webpage: [https://coe.callistocampus.org/](https://coe.callistocampus.org/)

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 for individuals
regardless of whether the individual chooses to report to the College. Here is the list of the college’s confidential resources:

Emily Barnard, Director of Wellness and Counselor ............................................. (319)399-8843  
Melea White, College Chaplain and Counselor ..................................................... (319)399-8843  
Sara Heisdorffer, Nurse and Health Coordinator .............................................. (319)399-8617  
John Chaimov, Professor ....................................................................................... (319)399-8594  
Karla Steffens, Professor ...................................................................................... (319)399-8657  
Kayla Waskow, Athletics ....................................................................................... (319)399-8265

The 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, the college will assist in notifying law enforcement authorities. Reporting incidents to local law enforcement or to the 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 the college can or will determine that sexual misconduct has occurred under this policy. Proceedings under this policy can be carried out prior to, simultaneously with, or following any civil or criminal proceedings in the courts, though a pending criminal investigation does not relieve the college of its responsibilities under the law. The college has jurisdiction over incidents that occur on campus, during an official college program or activity (regardless of location), or off campus when the conduct could create a hostile environment on campus.

Other Important Concepts and Definitions

**Force**

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**

Coercion is direct or implied threat of force, violence, danger, hardship or retribution sufficient to persuade a reasonable person of ordinary susceptibility to perform an act which otherwise would have been performed or acquiesce in an act to which one would not have submitted. Coercion can include unreasonable and sustained pressure for sexual activity. When someone makes it clear that 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 in unable to and cannot give consent to sexual activity. Incapacitation means that a person lacks the ability to make informed, rational judgments about whether to engage in 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 an individual, including Rohypnol, Zolpidem, Ketamine, GHB, Burundanga, etc.

**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, persons, or group making the allegations of sexual misconduct.

**Respondent**
The person, persons, or group against whom a complaint of sexual misconduct has been made.

**Privacy and Confidentiality**

In any complaint, investigation, administrative review process, appeal, or resolution of a complaint under the sexual misconduct policy, the 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. Community members 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 and can expect to have incidents of sexual misconduct taken seriously when formally reported, and to have those incidents investigated and properly resolved through administrative procedures. Reporting does not mean that information won’t be kept private and confidential, and the college will ensure your privacy to the extent possible while conducting its investigation. As such, only the people who need to know any given information will be told, and information will be shared only as necessary with investigator(s), witnesses, and the accused. 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.

Investigation and Resolution of Complaints when the Accused Person is a Student
Filing of The Complaint

Reporting a Sexual Misconduct Complaint or Report

Complainants and witnesses are encouraged to report sexual misconduct as soon as possible in order to maximize the college’s ability to respond promptly and effectively. By reporting the sexual misconduct, you help protect yourself and others from future harm. Reporting an issue is the best way for the college and the community to help an individual receive the resources and interim measures available to them. Reporting the incident is a separate step from choosing to go through the college conduct process. At the time a report is made, a complainant does not have to decide whether or not to request any particular course of disciplinary action or whether to proceed with any disciplinary action at all. The complainant will also be provided with a written document explaining the process, their rights and options, and available resources.

An incident of sexual misconduct does not have to occur on campus to be reported to the college. Furthermore, the college understands that some incidents of sexual misconduct involve interactions between only the complainant and the respondent and are not witnessed by other people. Lack of corroborating evidence or witness accounts should not discourage individuals from reporting sexual misconduct. Reports of sexual misconduct will be assessed, investigated, and decided appropriately even when the only individuals involved are the complainant and the respondent.

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

If the accused is a Coe student, the Title IX Coordinator or their designee will notify the respondent that an alleged incident of sexual misconduct has been reported to the college. During this communication, a complainant may choose not to have their identity divulged. Individuals may make an anonymous report without disclosing their name, identifying the Respondent (if known) or requesting any action.” “Depending on the level of information available and a complainant’s willingness to divulge their identity, anonymity may impact the college’s ability to pursue appropriate action. Where a complainant requests that their name or other identifying information not be shared with the respondent, the college will balance this request with a respondent’s right to confront their accuser and to know the allegations being charged against them. The Dean of Students, as a Title IX deputy and overseer of the college conduct process, is the person responsible for evaluating requests for confidentiality. The Dean of Students may consult with other appropriate college officials and legal counsel as necessary when analyzing such a request.

If a complainant chooses to divulge their identity, the Dean of Students may consider interim measures, discussed below, while the complaint is investigated. Remedial measures can include a “no-contact” order between the complainant and respondent. This requires that the respondent and complainant refrain from interacting while the investigation and resolution is pending.

The final determination of how to proceed and what method of resolution is appropriate once a complaint has been filed and initially assessed will be left to the college. The Director of Human
Resources will coordinate cases where a faculty or staff member is named as a respondent. The Dean of Students will coordinate cases where a student is named as the respondent. While the college will consider the complainant’s expressed preference for resolution, the college may initiate an investigation on its own initiative when justified, such as when a respondent may have been involved in serious or repeated conduct or may pose a threat to the college community. If the college determines a course of disciplinary action or resolution that is less severe than the wishes of the complainant, the complainant may request further or heightened disciplinary action. At any time, the complainant has the right to request that the college initiate a formal investigation under the procedures outlined in this policy.

Once a complaint is made, the college will endeavor to conclude its processes and reach a resolution within a reasonable period. This timeframe may be impacted by the college’s calendar and is based on the circumstances surrounding the complaint. Both parties will be given periodic updates throughout the process.

Advisor/Support Person
Complainants and respondents are entitled the same opportunities to consult with and be accompanied by one advisor/support person of their choice throughout each and every step in the sexual misconduct disciplinary process. This includes assistance in the preparation of any written materials and attending any meeting with the investigator(s) or other college personnel.

However, an advisor may not actively participate in any meeting or proceedings. The advisor may be any individual, including an attorney, who is not a witness or otherwise involved in the events that are the subject of the complaint 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. 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. A support person or 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.

The complainant or respondent may change their advisor at any point during the process. The 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.

Interim Measures and Protecting the Complainant
After a complainant files a sexual misconduct complaint or report, the college may impose reasonable interim measures that will assist or eliminate the alleged hostile environment and protect the parties involved while the resolution process unfolds. Interim measures are actions taken by the college to support students while an investigation is occurring. Potential interim measures include, but are not limited to:

• Access to medical or counseling services on and off campus;
• Imposition of a college no-contact order;
• Assistance in obtaining a civil protection order;
• Facilitating a meeting with law enforcement;
• Rescheduling of exams and assignments;
• Providing alternative course completion options;
• Changing class schedules or transferring sections, including the ability to drop a course without penalty;
• Changing work or job assignments or schedules;
• Changing or removal from a student’s college-owned residence;
• Assistance in other relocation;
• Limiting an individual or organizations’ access to college facilities or participation in college activities;
• Voluntary leave of absence;
• Providing an escort to and from classes, work, home or activities;
• Providing academic support services;
• Interim suspension pending the final outcome of a formal resolution process.

A complainant may request specific interim measures when making a sexual misconduct complaint at any point during the process. The college is obligated to provide reasonable interim measures regardless of whether a report has been made to local law enforcement. Requests for interim measures should be made to the Dean of Students. The college will keep interim measures confidential to the greatest extent possible. If it is necessary to disclose personal information to provide an interim measure, the college will endeavor to notify the complainant before doing so. The college may also impose interim measures of its own volition.

Additionally, if a complainant has obtained a court order related to the respondent, the complainant should provide such information to the Dean of Students. The college will take all reasonable and legal action to assist with compliance of the order.

Initial Assessment
The Title IX Coordinator and other administrators, will ensure that the college responds to every sexual misconduct complaint or report in a timely manner that treats every individual with respect.

The first step in response to a sexual misconduct complaint or report is an initial assessment. The initial assessment will consider the nature of the report, the complainant’s preferences for resolution, and the most appropriate course of action given the information available. The appropriate course of action may change over time, as further information gathering, analysis, or investigation reveal more information surrounding the alleged sexual misconduct. The final decision on the course of action will be made by the Dean of Students, 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.

The college may, at its discretion, record any investigations, interviews, meetings or any other in-person proceedings that occur during the sexual misconduct process. The college will transcribe these recordings, and upon confirmation from the recorded party that the transcription is accurate, the recordings will be destroyed after the disciplinary process concludes.
Notice to Respondent of a Sexual Misconduct Complaint and/or Investigation
The Title IX Coordinator or his/her designee will notify the respondent that a complaint has been filed against them, the name of the complainant, if known, the nature of the allegations in the complaint, and, if it is known at that time, how the case will proceed. During this initial meeting with the Title IX Coordinator or designee, the respondent will have the opportunity to review the sexual misconduct charge, provide information about the incident, and accept or deny responsibility for the violation.

Respondents in a sexual misconduct investigation and administrative review proceeding are expected to participate in the investigation and administrative review process. The investigation and administrative review proceeding will still occur even if a respondent chooses not to participate or chooses to leave Coe College.

Informal Resolution
Informal means of resolution, such as mediation, may be used in lieu of the formal investigation and determination procedure or, in some circumstances, utilized even after the formal process has already commenced. The following standards apply to any informal resolution method that is utilized:

• The decision about whether to pursue Informal or Formal Resolution will be made by the Dean of Students or Human Resources Director (depending on the status of the Respondent) in consultation with other administrators at the College, such as the Title IX Coordinator, as needed.
• The complainant will not be required to “work out” the problem directly with the respondent.
• Either party may terminate the informal process at any time and elevate the complaint to the formal investigation procedures described below.
• Informal resolution in the form of mediation, even on a voluntary basis, will not be used to resolve complaints alleging sexual assault.

• Informal Resolution can include, but is not limited to, options such as the following:
  o Jointly meeting informally with the complainant and respondent in order to find a mutually agreeable solution;
  o A representative from the college meeting with the respondent individually in an effort to act as an intercessor on behalf of the complainant;
  o Voluntarily agreed upon separation of the complainant and respondent;
  o Referral of the parties or party to counseling programs;
  o Conducting educational and/or training programs; or
  o An agreement for corrective action.

If an informal resolution is sought, it may prevent the need for a full investigation of the incident and provide a faster outcome. When a complaint has been informally resolved, parties will be asked to sign a document acknowledging the mutually agreed upon resolution. The informal resolution process will not invoke the college’s disciplinary process.
**Formal Resolution**

If formal disciplinary action is pursued, the allegation of sexual misconduct will be fully investigated and resolved via the process appropriate to the respondent’s affiliation with the college. The purpose of the investigation is to determine and establish whether there is a basis for believing that it is more likely than not that the violations alleged in the complaint have occurred.

The college will be prompt, fair, and impartial in its investigation and resolution of sexual misconduct reports. College officials involved will discharge their obligations under these procedures fairly and impartially. Identified conflicts of interest will be disclosed to the 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 his/her designee will choose one or more investigator(s) to review and investigate all details of a complaint. The investigator(s) are trained staff, faculty, or attorneys that will be chosen based on availability and knowledge of the case. The Dean of Students can serve as an investigator, as deemed appropriate by the Title IX Coordinator. 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. In the event that any 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 complaint is filed during the summer, members of the previous investigation teams may be called to serve as investigator(s).

**Statements, Evidence, and Witnesses**

At the outset of the sexual misconduct complaint investigation, the complainant and respondent are both given the opportunity to submit a written statement regarding the incident. This includes identifying potential witnesses or those who may have relevant information about the investigation (the “incident statement”). These incident statements will be provided to the investigator and are accessible to each party for review upon request.

Any party receiving any written statements, including the incident statement, or information gathered during the investigation must keep such written material or information confidential. The written material may be shared with a complainant or respondent’s support person or advisor. However, written material may not be disclosed to any person without the consent of the complainant, respondent, and the college. While the college seeks to keep all written accounts of the incident confidential, complainants and respondents can talk freely about the incident. The college encourages complainants and respondents to seek the counsel of those they trust. Any written material or information received by any party in the course of the sexual misconduct investigation or administrative review proceedings must be returned to the college upon final resolution of the sexual misconduct complaint. Failure to return written material or information may result in separate disciplinary action.

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. During the investigation, both the respondent and the complainant may identify relevant witnesses. Witnesses must have observed the acts in question or have information relevant to the incident and cannot be
participating solely to speak about an individual’s character. If it is clear a witness would not contribute relevant information about the case, the investigator(s) may choose not to interview the witness. Generally, each party has a right to know the witnesses identified by the other party. However, if there are compelling safety reasons, a witness’ identity may not be revealed to a party. These interviews will be kept confidential and will be conducted by the investigator(s) on an individual basis. The first investigatory interviews will be scheduled as soon as possible in order to capture as much timely information as possible.

Also during the investigation, the parties are encouraged to provide any other relevant evidence, 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. The impact statement will provide the investigator(s) with information about the incident and provide the complainant an opportunity to express the impact of the alleged sexual misconduct.

Before the investigation closes, the respondent may write a responsive statement that provides information on the incident in light of the allegations made by the complainant. This written responsive statement is in addition to any initial written incident statement provided by the respondent.

**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. In order to prevent those involved from having to recall their experience more times than necessary, the investigator(s) will attempt to include all relevant information in their investigation summary report. The investigation summary report will provide detailed information, will identify potential policy violations, and will assess areas of agreement and disagreement between the parties, witnesses, and other available information. While the investigator(s) may identify possible policy violations, the investigator(s) do not make any findings or determinations of responsibility.

The complainant and the respondent will both have an opportunity to review the investigation summary report. The college will notify each party in writing when the investigation summary is available and the party may review, access, and obtain copies of the investigation summary report at a time and place designated by the college. The complainant and the respondent may provide written comments within seven (7) business days after the receipt of the investigation summary report. This review period may be extended for good cause shown by either party. The college may request and/or require the investigator(s) to conduct additional investigation or follow-up as appropriate, based on the written comments of the parties. If follow-up is appropriate, the investigation summary report may be amended to reflect additional information or to make necessary edits or corrections, as appropriate. The final investigation summary report is then submitted to the Title IX Coordinator and Dean of Students.

**Administrative Review Panel**
Following review of the investigation report by the Title IX Coordinator and Dean of Students, the complaint will progress to an administrative review panel. The college will appoint an administrative review panel of three (3) individuals comprised of one faculty member, one staff member, and one student to determine whether the respondent is responsible for a violation of the sexual misconduct policy. If the respondent is found responsible for violating the sexual misconduct policy, the
administrative review panel, in consultation with the Title IX Coordinator, will determine the consequences and/or sanctions to be imposed.

If the respondent or complainant has reason to believe that any member of the administrative review panel has a perceived bias or conflict of interest, they can submit, in writing to the Dean of Students, a request to change any member of the panel at any point in this process. This request will be reviewed by the Dean of Students and Title IX Coordinator and, if necessary, another panel member will be designated.

The administrative review process will be conducted in the following manner:

- The administrative review panel will receive all investigation materials from the investigator(s) for review. These materials include any statements, interviews, and material evidence submitted during the investigation process, as well as the investigation summary report.
- The administrative review panel, or its 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. Alternatively, the administrative review panel may not need to speak to the complainant, the respondent, and/or identified witnesses involved in order to make a decision.
- The administrative review panel is only able to make decisions on responsibility and/or sanctions based on the information provided during the investigation.
- After gathering and reviewing all evidence, the administrative review panel will make a determination as to whether a violation of the sexual misconduct policy has occurred. The burden of proof is the preponderance of evidence. Under this standard, responsibility is determined on a “is it more likely than not” basis.
- In order to limit information shared about students, the Dean of Students and/or Title IX Coordinator may replace student names with non-identifiable names in the report and investigation materials.
- As soon as possible after the conclusion of the administrative review proceeding, the administrative review panel will notify the complainant and the respondent in writing that a determination has been made, and what, if any, sanctions will be imposed on the respondent (if applicable). This will be done as close to simultaneously as possible. In the event that the respondent is found to have violated a policy, the complainant will be informed of any sanctions that are directly related to the complainant (e.g., no contact order, suspension of respondent, etc.), but may not be informed of sanctions that do not directly affect the complainant.
- Any sanctions will be imposed on the respondent in accordance to the seriousness of the behavior. Sanctions may range from written reprimand to expulsion from the college.
- Complainants in sexual assault, sexual exploitation, sexual harassment, stalking, and relationship violence incidents have an absolute right to be informed of the outcome and sanctions of the administrative review proceeding, in writing, without condition or limitation.

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

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

- Oral or written reprimand.
- Required compliance: carrying out of a college regulation or administrative directive, such as educational activity or counseling, as a condition for avoiding further disciplinary action and/or remaining in good standing.
- Fines or restitution: reimbursement for damage to or misappropriation of property. May also take the form of college service or other compensation and may be combined with other sanctions.
- Community service: assignment to work on or off-campus.
- No contact orders.
- Removal from college housing without a refund
- Removal and/or deregistration from a class or classes without a refund
- 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.
- Any other available and appropriate sanction, as set forth in the Student Reference Book.
- Termination of employment with the College

Appeal

Either the complainant or the respondent has the right to appeal the administrative review panel’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 (7) business 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.

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

- Newly discovered evidence, not available at the time evidence was presented to the administrative review panel, that would result in a different outcome;
- Procedural errors that had a material impact on the outcome; or
Fairness of sanctions (a student may appeal specific sanctions while accepting other sanctions)

The appeal letter must state which of the aforementioned grounds the appeal is based upon. Appeals of the administrative review panel’s decision shall be heard by the appeals board. The board is comprised of three individuals which include one faculty member, one staff member, and one student. All members of this board will be different from the members of the administrative review panel. Based on the appeal letter, the appeals board may deny the appeal without further consideration if it was not timely filed or not made on appropriate grounds. If the appeals board determines that an appeal should be accepted, it 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 (7) business days of the receipt of the notice of acceptance of the appeal. Any written appeals or response statements will be sent to the opposing party.

Once an appeal has been accepted, the appeals board may review the appeal letter, any responses, and the record of the investigation and the administrative review process. The appeals board may also request additional interviews with the complainant, the respondent, or identified witnesses. Upon such review, the appeals board can affirm the original findings, alter the findings, and/or alter the outcome depending on the basis of the appeal. If the appeals board finds that new evidence is available or that procedural errors occurred, it can remand the case to the administrative review panel for reconsideration.

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

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

Rights of both parties

Rights of the Complainant

• The right to have any and all incidents of sexual misconduct committed against you treated with seriousness;
• The right to be free from any kind of pressure 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 complainants not report or underreport crime because (1) complainants are somehow responsible for the commission of crime against them; (2) complainants 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 complaints of sexual misconduct made in good faith to College administrators;
• The right to be treated with respect and dignity by college officials;
• The right not to be discouraged by college officials from reporting sexual misconduct to both on-campus and off-campus authorities;
• The right to be informed of the outcome and sanction of any disciplinary proceeding involving sexual misconduct, usually within 3 business days of the end of the proceeding;
• The right to be informed by college officials of options to notify proper civil and criminal authorities, including Campus Security and the Cedar Rapids Police Department, and the option to be assisted by campus administrators in notifying such authorities, if the student so chooses. It also includes the right not to report, if this is the complainant’s desire;
• The right to be notified of available counseling, mental health or student services for complainants 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 complaint or investigation need to occur before this option is available). Such options may include:
  o Change of an on-campus student’s housing to a different on-campus location; o Assistance from college support staff in completing the relocation; o Arranging to dissolve a housing contract and prorating a refund; o Exam (paper, assignment) rescheduling; o Taking an incomplete in a class; o Transferring class sections; o Temporary withdrawal; o Alternative course completion options
• The right not to have irrelevant prior sexual history admitted as evidence in a campus administrative review proceeding;
• The right to make an impact statement during the Investigation or the administrative review proceeding process and to have that statement considered by the board in determining its sanction;
• The right to a request, and have granted where the college deems it appropriate, a campus “no contact” order against another student who has engaged in or threatens to engage in stalking, threatening, harassing or other improper behavior that presents a danger to the welfare of the complaining student or others;
• The right to be made aware of, and assisted in, exercising any options, as provided by the state and federal laws or regulations, with regard of mandatory testing of sexual assault suspects for
communicable diseases, and with regard to notification of complainants of the results of such testing.

- The right to appeal the finding and sanction of the administrative review proceeding panel;
- The right to review, upon request, all documentary evidence available regarding the complaint, subject to 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 administrative review proceeding panel member be removed on the basis of demonstrated bias or conflict of interest;
- The right to bring an advisor/support person to all phases of the investigation and informal or formal disciplinary proceeding.
- The right to give testimony or provide statements in an investigation by means other than being in the same room with the respondent;
- The right to identify relevant witnesses during the campus investigation process;
- The right to be fully informed of campus conduct rules and procedures;
- The right to have the college reasonably encourage the presence of student, faculty and staff witnesses;
- The right to challenge documentary evidence or testimony presented by witnesses or the respondent;
- The right to review all testimony given and evidence presented during the investigation and administrative review proceeding;
- The right to have complaints heard by administrative review panel members who have received appropriate sexual misconduct review training;
- The right to full and prompt cooperation from campus personnel in providing evidence (related to proof of criminal sexual assault in subsequent legal proceedings).

Rights of Respondent

- The right to investigation and appropriate resolution of all credible complaints of sexual misconduct made to college administrators against the respondent;
- The right to be treated with respect by college officials;
- The right to be informed of and have access to campus resources for medical, counseling, and advisory services;
- The right to be fully informed of the nature, rules, and procedures of the campus conduct process;
- The right to timely written notice of all alleged violations within the complaint, including the nature of the violation and possible sanctions;
- The right to exclude irrelevant prior sexual history as evidence in a campus administrative review process;
- The right to make a statement during the investigation and to have that statement considered by the administrative review panel in determining the sanction;
- The right to make a responsive statement during the investigation or the administrative review process and to have that statement considered by the panel in determining its sanction;
• The right to appeal the finding and sanction of the administrative review panel;
• The right to review, upon request, all documentary evidence available regarding the complaint, subject to privacy considerations explained elsewhere in this Policy;
• The right to disciplinary proceedings closed to the public;
• The right to petition that any investigator or administrative review panel 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 administrative review;
• The right to challenge documentary evidence or testimony presented by witnesses or the complainant;
• The right to have complaints heard by administrative review panel members who have received appropriate sexual misconduct review training;
• The right to have one advisor/support person to accompany and assist in the campus disciplinary process. The advisor may not take part directly in any investigation or administrative review itself, though they may communicate with the respondent as necessary. The advisor may not contact or communicate, directly or indirectly, with the complainant or any identified witness;
• The right to a fundamentally fair investigation and disciplinary proceeding and process;
• The right to a campus conduct outcome based solely on evidence presented during the conduct process. The evidence shall be credible, relevant, based in fact, and without prejudice;
• The right to written notice of the outcome and sanction of the administrative review process; and
• The right to be informed in advance, when possible, of any public release of information regarding the complaint.

Frequently Asked Questions

Does the Complaint remain confidential?
The privacy of all parties to a complaint of sexual misconduct must be strictly observed, except insofar as it interferes with Coe’s obligation to fully investigate allegations of sexual misconduct. Where privacy it not strictly kept, it will still be tightly controlled on a need-to-know basis. Dissemination of information and/or written materials to persons not involved in the complaint procedure is not permitted. Violations of the privacy of the complainant or the respondent may lead to disciplinary action by the college. In all complaints of sexual misconduct, the complainant and respondent will be informed of the outcome. In some instances, the administration may choose to make a brief announcement, 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, Vice President for Student Development, Dean of Students, Director of Security, College Counsel, Provost, and Director of 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 perpetrator?**
Yes, if you file a complaint and choose to proceed with the formal resolution process Sexual misconduct is a serious offense and the accused has the right to confront the accuser. The college does provide options for allowing confrontation without direct contact, including closed-circuit testimony, using a room divider, or using separate rooms.

**Do I have to name the perpetrator?**
Yes, if you want formal disciplinary action to be taken against the alleged perpetrator. No, if you choose to respond informally and do not file a formal complaint, but your incident of sexual misconduct will be reported for federal statistical purposes. Your personal information will be kept strictly confidential.

**What do I do if I am accused of sexual misconduct?**
DO NOT contact the complainant. The Title IX Coordinator or Dean of Students can explain the college’s procedures for dealing with sexual misconduct complaints.

**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 – Directly across the street from Greene and Hickok Hall), before washing yourself or your clothing. The Sexual Assault Nurse Examiner (SANE Nurse - a specially trained nurse) at St. Luke’s Hospital is on call 24 hours a day, 7 days a week (call the Emergency Room at (319)369-7105 if you first want to speak to the nurse; ER will refer you). 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 hospital and Coe Security can provide transportation to St. Luke’s hospital. Victim advocates are available in Cedar Rapids through Riverview Center Sexual Assault Hotline at 1-888-557-0310 (24-hour crisis line), and the Rape Victim Advocacy Program (RVAP) in Iowa City at 1-800-284-7821. Some hospitals may notify the local police when a sexual assault victim seeks emergency room services, but you are not obligated to talk to the police or to prosecute.

The exam will help to keep that option open for you, should you decide later to exercise it. The hospital staff will collect evidence, check for injuries, and address the possibility of exposure to sexually transmitted infections. If you have changed clothing since the assault, bring the clothing you had on at the time of the assault with you to the hospital in a clean, sanitary container such as a clean paper grocery bag or wrapped in a clean sheet (plastic containers do not breathe, and may render evidence
useless). 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 with you to the hospital, and they can accompany you through the exam, if you want. Do not disturb the crime scene—leave all sheets, towels, etc. that may bear evidence for the police to collect.

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

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

If the accused person is a faculty member or staff member, and informal resolution is pursued, the Informal Resolution policy discussed above will apply. The Human Resources Director 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, the investigation summary report will form the basis for the Dean of Students, Title IX Coordinator, and Human Resources Director to make decisions and recommendations. Together, these officials will determine the appropriate process for review of the investigation summary, including identifying the appropriate official or employee to make a final determination, if necessary, of a pending complaint, depending on the complexity and facts of the case. The investigation summary report will include either a finding, by a preponderance of the evidence, of a violation of the Sexual Misconduct policy and a recommendation regarding disciplinary action, or a finding of no violation of the Sexual Misconduct policy. Any process used or action taken when a faculty or staff member is accused would be consistent with applicable employment contracts and the faculty or staff handbooks.