

Sexual Misconduct Reporting and Options

Are you in danger?

- Call 911 or Campus Safety and Security at (563) 387-2111

Do you need medical attention?

- Winneshiek Medical Center Emergency Room
 - *Phone:* (563) 382-2911
 - *Location:* 901 Montgomery Street, Decorah, Iowa 52101
 - *Hours:* open 24 hours a day, 7 days a week
 - In cases involving sexual assault, the preservation of evidence is critical and must be done properly and promptly. Students can obtain a forensic medical examination by a trained sexual assault nurse examiner at Winneshiek Medical Center. Completing a forensic examination is free, does not require that a police report be filed, and will help preserve evidence in case you decide at a later date to file a police report.
- Student Health Services
 - *Phone:* (563) 387-1045
 - *Location:* Larson Hall
 - *Hours:* M-F 8:00-12:00 and 1:00-4:30 (closed during academic breaks)

Do you want to speak to someone confidentially?

The on- and off-campus confidential resources below can provide support without making an official report to Luther College.

- Luther College Counseling Service
 - *Phone:* (563) 387-1375
 - *Location:* Larsen Hall
 - *Hours:* M-F 8:00-12:00 and 1:00-5:00 (closed during academic breaks)
- Luther College Ministries
 - *Phone:* (563) 387-1040
 - *Location:* Center for Faith and Life
 - *Hours:* M-F 8:00-5:00 (call ahead during academic breaks)
- The Riverview Center
 - *Phone:* (563) 380-3332
 - *Hours:* 24 hours a day, 365 days a year
 - The Riverview Center works with survivors of sexual assault in northeast Iowa. Their services include client advocacy, medical advocacy, legal advocacy, therapy/counseling, and violence prevention education.
- Helping Services for Northeast Iowa

- *Phone:* (800) 383-2988
- *Hours:* 24 hours a day, 365 days a year
- Helping Services' Domestic Abuse Resource Center serves individuals in abusive relationships providing safe houses, victim advocacy, emergency supplies and assistance, and transitional housing.

Do you want to report the incident to law enforcement?

- Decorah Police Department
 - *Phone:* (563) 382-3667
 - *Location:* 400 W. Claiborne Drive, Decorah, Iowa 52101
 - *Hours:* 24 hours a day, 365 days a year
 - Students interested in filing a police report or pressing charges should do so by contact the Decorah Police Department. Campus Safety and Security is available to assist students as they work with law enforcement. Students are never required to notify police of an incident.
- Winneshiek County Clerk of Court
 - *Phone:* 563-382-0603
 - *Location:* 201 W. Main Street, Decorah, Iowa 52101
 - Students interested in seeking a court-issued Order of Protection should contact the Winneshiek County Clerk of Court. Luther College will abide by all legally issued orders of protection, including denying the restricted person access to campus.

Do you want to report the incident to Luther College?

Although students may report incidents to many individuals at Luther College, the Student Life office is best equipped to provide accommodations, connect with outside resources, and initiate the student conduct process.

- Student Life Office
 - *Phone:* (563) 387-1020 (business hours) or (563) 387-2111 (outside business hours)
 - *Location:* Dahl Centennial Union 266
 - *Hours:* M-F 8:00-5:00
 - Students should ask to speak with Janet Hunter or an available dean.
- Matthew Bills, Title IX Coordinator
 - *Phone:* (563) 387-1189
 - *Location:* Main 28
 - *Hours:* M-F 8:00-5:00 (additional availability by appointment)
- Campus Safety and Security
 - *Phone:* (563) 387-2111
 - *Location:* Dahl Centennial Union 129
 - *Hours:* 24 hours, 365 days a year

Interim Remedies and Accommodations

Luther College provides the following remedies and accommodations to students who are party to a sexual misconduct proceeding. Other remedies tailored to individual situations are available.

A member of the Student Life office, in consultation with the Title IX Coordinator, will determine and implement appropriate interim remedies, accommodations, and other actions.

Health and Safety Remedies and Accommodations

- Access to medical and counseling services
- Luther College No Contact Directive or assistance in obtaining a civil protection order
- Facilitating a meeting with law enforcement to discuss safety planning and law enforcement options
- An escort to ensure safe travel between classes and other College activities
- Voluntary leave of absence

Academic Remedies and Accommodations

- Rescheduling of exams and assignments, and granting excused absences
- Alternate course completion options
- A change in class schedule, including the ability to transfer sections or drop a course without penalty
- Academic support services, including tutoring

Residential and Employment Remedies and Accommodations

- Room change for the involved students
- Modification of on campus job assignment or work schedule
- Assistance in resolving concerns about immigration status, visas, or financial aid

Interim Actions and Education

- Interim suspension, ban from campus, or paid/unpaid work leave
- Interim restriction on residence hall access
- Limitation on individual's or organization's access to certain College facilities or activities
- Training on sexual misconduct and healthy relationships
- Substance abuse assessment or education

The Formal Student Sexual Misconduct Process

This high-level summary of the on-campus student sexual misconduct process is provided for your convenience and does not provide complete details. **This is not the official policy.** For more detailed information, please view the [Student Sexual Misconduct Policy and Procedures](#) online or contact the Student Life office at (563) 387-1020 or the Title IX Coordinator at (563) 387-1189.

Report, Preliminary Inquiry, and Accommodations

Luther College receives a report when a responsible employee learns of an incident of sexual misconduct on our campus or involving Luther students. In response to every report, Luther conducts a preliminary inquiry to identify the parties involved and ascertain the misconduct being alleged. This inquiry typically takes the form of a conversation with the victim, and is usually completed without informing the alleged assailant or other individuals of the report.

Upon receipt of the report, Luther College offers a wide range of support services, including no contact directives, academic assistance, housing accommodations, and confidential counseling.

Finally, the Title IX Coordinator must determine the appropriate next steps. The College is generally able to allow the victim to decide if and when to initiate the student conduct process. If the victim does not wish to go through the formal student process, they may select an adaptable resolution instead. However, where there is a clear threat to campus safety Luther may be required to proceed with the formal student conduct process with or without the participation of the victim.

Formal Complaint and Investigation

A report becomes a complaint when the victim decides to initiate the student misconduct process. An investigation does not seek to determine what happened or assess credibility, but simply focuses on gathering evidence. A typical investigation includes an interview with and/or written statement from the complainant, an interview with and/or written statement from the respondent, interviews with witnesses, evidence supplied by the parties (photos, messages, etc.), other evidence (security camera footage, key card access, location photos, etc.), and external reports (medical, police, etc.).

The investigation stage typically takes two to four weeks to complete.

Review

Both parties are notified upon conclusion of the investigation and asked to meet with the chair of the Luther College Hearing Board to discuss hearing rules and procedures. The Hearing Board chair drafts an official charge letter identifying the issues for the hearing. In preparation for the hearing, parties will typically each meet several times with the chairperson, and during this phase each party:

- May review all investigation materials and object to any irrelevant or prejudicial statements
- May submit a clarifying statement in response to those materials
- May suggest witnesses to testify at the hearing
- May review a list of potential Hearing Board members and object to any who may be biased
- Receives notice of the hearing date, time, and location

The review phase typically takes two to three weeks to complete.

Hearing and Decision

The hearing is conducted by the chair, supported by a Hearing Board composed of staff, faculty, and students. All hearings are recorded. The hearing is set up so that the parties cannot see each other. Direct verbal questioning by the parties is not allowed; the board members ask all questions, and each party may write down questions to ask of the other party. A typical hearing might follow this structure:

1. Introductions and hearing procedures
2. Opening statements by the complainant and respondent
3. Questions for the complainant and respondent
4. Break
5. Witness statements and questions
6. Questions for the complainant and respondent
7. Break
8. Questions for the complainant and respondent
9. Closing statements by the complainant and respondent

At the conclusion of the hearing both parties are released and the Board remains to conduct deliberations. First, the Board determines by the preponderance of the evidence standard whether the respondent is responsible for each charge enumerated in the charge letter. Once the findings are determined, the Board proceeds to determine an appropriate sanction for the respondent. Both parties receive notice of the hearing outcome in simultaneous meetings, typically two or three business days after the hearing.

Appeal

Both parties are entitled to file appeals if they are dissatisfied with either the findings or the sanctions. However, valid grounds for appeal are limited to:

- Whether the hearing was conducted fairly
- Whether the decision was based on substantial information
- Whether the sanctions imposed were appropriate
- Consider new information not known to the appellant at the time of the hearing

Written appeals and responses, along with hearing materials and recordings, are reviewed by the Luther College Appeals Board, which consists of the vice president and dean for student life Corey Landstrom, a representative of the Faculty Interests Committee, and the president of the Student Senate. The Appeals Board does not meet with the parties. The parties will receive simultaneous notice of the outcome of the appeal.

Timeline

The student sexual misconduct process, from complaint through delivery of the Hearing Board's decision, typically takes 5-8 weeks to complete. However, there may be delays due to investigation difficulties or breaks in the academic calendar. Both parties will be notified in writing of any changes to the expected timeline.

Concerns

Contact the Title IX Coordinator with any questions or concerns about the student sexual misconduct process.

Confidentiality, Amnesty, and Retaliation

Privacy & Confidentiality

Luther College seeks to balance the rights, needs, and privacy of those students who may have been victimized, as well as those students who have been accused, while maintaining the health and safety of the campus community. Therefore, the College will respond to allegations with respect for the privacy of those allegedly involved in the incident, to the extent possible while still responding appropriately to the allegations by:

- Limiting information about a case to those College officials who need to know
- Maintaining as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures
- Completing publicly available recordkeeping, including Clery Act reporting and disclosures, without inclusion of personally identifying information about the victim

Note: Luther College complies with subpoenas from local law enforcement, so any information gathered by the College may be used in a criminal proceeding.

Amnesty

To remove barriers to reporting, the College will generally not pursue potential policy violations of the parties that may have occurred in the context of an alleged violation of this policy (for example, Policy on Alcohol and Other Drugs).

Retaliation

Students have the right to report violations of this policy and participate as a witness in an investigation or hearing without fear of retaliation. Luther College strictly prohibits retaliation by any student against a person who makes a report, assists someone with a report, or participates in any aspect of the investigation or resolution of a report.

- Retaliation is any adverse action taken against a person for making a good faith report of sexual misconduct or for participating in a sexual misconduct proceeding, including threats, intimidation, reprisals, or deliberately making false statements to intimidate, threaten, or cause harm
- Retaliation does not include good faith actions lawfully pursued in response to a report of sexual misconduct
- Retaliation can be committed by any individual or group of individuals, not just by the complainant or respondent
- Retaliation may be present even where there is a finding of “no responsibility” on the allegations of sexual misconduct

Acts of retaliation should be reported promptly to Student Life or the Title IX Coordinator. The Title IX Coordinator will determine how to address claims of retaliation.

Statement of Student Rights

A student who reports a violation of the Student Sexual Misconduct Policy is entitled:

- To be treated with respect by college officials.
- To be made aware of available options.
- To take advantage of campus support resources.
- To experience a safe living and educational environment. Students should consult with a dean in the Student Life Office.
- To have an advisor present during the investigation process, including interviews and meetings with college officials.
- To be made aware of options that are available including the aforementioned support resources, remedial actions, timeframe to file a complaint and resolution options.
- To be advised of the status of an investigation, remedial actions that have been taken, preparations for an on-campus hearing, the outcome of a hearing and assessed sanctions (if appropriate), whether an appeal has been filed and/or the outcome of an appeal.
- To have an advisor present during a Luther College Hearing Board hearing in accordance with the Luther Code of Student Conduct.
- To have irrelevant prior sexual history disallowed in a Luther College Hearing Board hearing.
- To refuse to have an allegation resolved through informal resolution procedures.
- To not have ancillary, minor violations of college policy associated with the incident addressed through the college's disciplinary process.
- To be free from retaliation.

Luther College is committed to creating and maintaining a safe and healthy environment where all members of the community—students, faculty, staff, and visitors—are treated with respect and dignity. Therefore, the college will not tolerate sexual misconduct in any form. Sexual misconduct is not only an act against an individual; it is also an act that affects the entire college community. Acts of sexual harassment, sex offenses, stalking, dating violence, domestic violence, and sexual exploitation are inconsistent with our educational mission.

Title IX Team



Matthew Bills, Title IX Coordinator

- Main 28, (563) 387-1189, bills@luther.edu

Matt serves as Luther College's Title IX Coordinator, with primary responsibility of overseeing all aspects of the College's Title IX process.

If you have reported an issue and do not feel that your case has been handled in a caring, effective, and equitable manner, please contact Matt.



Janet Hunter, Director of Case Management and Associate Dean

- Dahl Centennial Union 266E, (563) 387-2229, hunterja@luther.edu

Janet is the primary contact for most students who report sexual misconduct. She serves as one of the College's investigators, and also works with students to coordinate appropriate accommodations.

If you would like to report an incident or need support, please contact Janet.



Jake Dyer, Assistant Dean for Student Life

- Dahl Centennial Union 266B, (563) 387-1839, dyerja01@luther.edu

Jake investigates complaints of sexual misconduct. Jake also receives reports and works with students to coordinate appropriate accommodations.



Kris Franzen, Director of Residence Life

- Dahl Centennial Union 124B, (563) 387-1330, frankr03@luther.edu

Kris investigates complaints of sexual misconduct. As Director of Residence Life, Kris also works with students to ensure that they have safe housing.



Bob Harri, Director of Campus Safety and Security

- Dahl Centennial Union 129, (563) 387-2111, harrro01@luther.edu

Bob investigates complaints of sexual misconduct. As Director of Campus Safety and Security, Bob also oversees security measures that keep our students safe.

If you do not feel safe on the Luther College campus, please call Bob.



Kasey Nikkel, Director of Student Rights and Responsibilities

- Dahl Centennial Union 266C, (563) 387-1008, kasey.nikkel@luther.edu

Kasey serves as the chair of the Luther College Hearing Board, and in that role she works with students to ensure equitable resolution of sexual misconduct complaints.

If you have questions about the student conduct process, please contact Kasey.