

Sexual Harassment and Sexual Misconduct Policy Nondiscrimination Policy

Iowa Wesleyan University does not discriminate on the basis of race, color, sex, genetics, religion, gender, gender identity, age, sexual orientation, national origin, disability, veteran status or creed in admission, employment, education programs or activities. Compliance inquiries or complaints should be directed to the Vice President for Student Development & Title IX Director (319-385-6284), Director of Human Resources & Deputy Director of Title IX (319-385-6209), the Equal Employment Opportunity Commission (1-800-669-4000), the Iowa Civil Rights Commission (1-800-457-4416) or [Department of Education Office of Civil Rights](#).

TITLE IX COORDINATOR

The Vice President for Student Development serves as the University's Title IX Coordinator. The Director of Human Resources serves as the Deputy Title IX Coordinator. The Title IX Coordinator and Deputy Title IX Coordinator serve as the primary campus contacts for those seeking information or wanting to report sexual harassment/sexual misconduct. While the Title IX Coordinator has the responsibility for all Title IX matters, operationally, all concerns involving students (student-student complaint; student-employee complaints) will be led by the Title IX Coordinator and concerns involving only University employees will be led by the Deputy Title IX Coordinator.

THE TITLE IX COORDINATOR IS RESPONSIBLE FOR:

- Having knowledge of all Title IX Reports and complaints
- Informing parties of process
- Notifying parties of grievance decisions and appeal rights
- Monitoring compliance with all requirements and timelines
- Maintaining grievance and compliance files
- Being involved in policy/procedure revisions
- Monitoring outcomes, identifying patterns, and assessing climate
- Monitoring students' participation in athletics, enrollment across academic programs, disciplinary rulings, and administration of financial assistance for compliance
- Developing/Assessing training/educational programs
- Ensuring accessibility of information through understandable language, for English language learners, and for students with disabilities.

The Title IX Coordinator and Deputy Title IX Coordinator are available to meet with those who believe they have been victimized and can also provide information as well as refer to sources of support. You can reach the Title IX Coordinator during business hours at 319-385-6284 or at Wesley.brooks@iw.edu. The Deputy Title IX Coordinator can be reached at 319-385-6209 or at kathy.moothart@iw.edu.

WHAT IS TITLE IX?

Title IX of the Education Amendments of 1972 is a comprehensive federal law intended to end sex discrimination in all areas of education. Title IX states “No person in the United States shall on the basis of sex be excluded from participation in, be denied benefits of, or be subjected to discrimination under any education program or activity receiving federal financial assistance.”

32 C.F.R 106.31

It also applies to educational program equity, such as in athletics, and also to sexual harassment and sexual assault.

THE UNIVERSITY’S CHARGE

Iowa Wesleyan University’s charge is to implement effective policies and procedures for members of the campus community to report sexual misconduct; to offer multiple reporting mechanisms; to create a culture free of barriers to encourage reporting; and to distinguish between confidential and non-confidential reporting options. The University believes by doing so, it will be executing “best practices” in accordance with the Department of Education, Office of Civil Rights, recent Dear Colleague Letters, Title IX, Violence Against Women Act (VAWA), and numerous other legislative developments. This policy serves as a guide for appropriate sexual communication and activity and as a way to determine, after the fact, whether behaviors infringe upon the rights of others and/or violate our standards of conduct.

SEXUAL HARASSMENT

Sexual harassment may involve behavior by a person of either gender against a person of the same or opposite gender. It should be noted that the potential of sexual harassment exists in any of the following relationships: student/student, faculty/student, student/faculty and faculty/faculty.

Because of the inherent differential in power between faculty, staff, and administration and students, sexual relationships between faculty, staff and administration and students are prohibited. Faculty are also concerned that the principles of academic freedom as described in section 2.10 of the Faculty Handbook are not compromised.

Sexual harassment may result from many kinds of behavior. These behaviors may range from the most egregious forms, such as sexual assault, to more subtle forms. Explicit behaviors include but are not limited to requests for sexual favors, physical assaults of a sexual nature, sexually offensive remarks, and rubbing, touching or brushing against another’s body. More subtle behaviors may be experienced as intimidating or offensive, particularly when they recur or one person has authority over another. Such behaviors may include but are not limited to unwelcome hugs or touching, inappropriate staring, veiled suggestions of sexual activity, and requests for meetings in non-academic settings, and risqué jokes, stories or images.

The terms, conditions, or privileges of enrollment or employment are not always affected by workplace or educational conduct that may be described as “harassment.” Pervasiveness, persistence, being objectively offensive and considering the situation through the lens of a reasonable person are important factors when considering and addressing sexual harassment claims. For example, a one-time

utterance of a gender-based epithet would not normally affect the terms of enrollment or employment.

DEFINITION OF TERMS OF SEXUAL HARASSMENT

SEXUAL HARASSMENT

“Sexual harassment” is unwelcome conduct of a sexual nature, including but not limited to unwelcome sexual advances; requests for sexual favors; or other verbal or nonverbal conduct of a sexual nature, including rape, sexual assault, and sexual exploitation. In addition, depending on the facts, dating violence, domestic violence, and stalking may also be forms of sexual harassment.

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SEXUAL HARASSMENT - HOSTILE ENVIRONMENT:

A “hostile environment” exists when sex-based harassment is sufficiently serious to deny or limit the complainant’s ability to participate in or benefit from the University’s programs or activities. A hostile environment can be created by anyone involved in the University program or activity (e.g., administrators, faculty members, students, and campus visitors).

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SEXUAL HARASSMENT - QUID PRO QUO:

Sexual harassment “quid pro quo” occurs when a position of authority is used to threaten to impose a penalty or to withhold a benefit in return for sexual favors, whether or not the attempt is successful.

UNWELCOME CONDUCT

Conduct is considered “unwelcome” if the recipient did not request or invite it and considered the conduct to be undesirable or offensive.

Unwelcome conduct may take various forms, including, name-calling, graphic or written statements (including the use of cell phones or the Internet), or other conduct that may be physically threatening, harmful, or humiliating. Unwelcome conduct does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Unwelcome conduct can involve persons of the same or opposite sex.

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DETERMINING A HOSTILE ENVIRONMENT EXISTS

In determining whether sex-based harassment has created a hostile environment, the University considers the conduct in question from both a subjective and objective perspective. It will be necessary, but not enough, that the conduct was unwelcome to the student who was harassed. But the University will also need to find that a reasonable person in the student’s position would have perceived the

conduct as undesirable or offensive in order for that conduct to create or contribute to a hostile environment.

To make the ultimate determination of whether a hostile environment exists for a student or students, the University considers a variety of factors related to the severity, persistence, or pervasiveness of the sex-based harassment, including: (1) the type, frequency, and duration of the conduct; (2) the identity and relationships of persons involved; (3) the number of individuals involved; (4) the location of the conduct and the context in which it occurred; and, (5) the degree to which the conduct affected one or more student's education.

The more severe the sex-based harassment, the less need there is to show a repetitive series of incidents to find a hostile environment. Indeed, a single instance of sexual assault may be sufficient to create a hostile environment. Likewise, a series of incidents may be sufficient even if the sex-based harassment is not particularly severe.

PROCEDURE FOR REPORTING

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Any member of the University community having a complaint of sexual harassment through unwelcome conduct not defined as rape, may raise the matter informally, through a direct resolution, and/or file a formal complaint. Rape and some other behaviors may be so severe that informal resolution or direct resolution may not be appropriate. Both the informal process and the direct resolution are attempts to mediate between the parties in order to effect a mutually agreeable solution without entering into the formal complaint process. These approaches do not necessarily involve identifying the complainant to the respondent, unless the complainant wants to be identified. If the complainant is willing to be identified, the following informal procedures may be followed:

INFORMAL RESOLUTION:

1. Clearly say "no" to the person whose behavior is unwelcome.
2. Communicate orally with the person whose behavior is unwelcome. The most effective communication will have three elements:
 - a. A factual description of the incident(s) including the time, place, date and specific behavior
 - b. A description of the complainant's feelings, including any consequences of the incident
3. A request that the conduct cease
4. Informal Resolution doesn't result in a record of the complaint.

DIRECT RESOLUTION:

- The Complainant should speak with a responsible administrator listed below informing them of

their situation. Reports should be made as soon as possible. That responsible administrator will report the matter to the Title IX Coordinator and the direct resolution process will commence which includes:

- The Title IX Coordinator will inform the complainant of the options available to them. If the complainant chooses Direct Resolution, the following occurs:
- The complainant files a written complaint with the Title IX Coordinator (student matters) and/or Deputy Title IX Coordinator (employee matters) who will act as an agent of the University to resolve the matter. The written complaint must include the name, email address and phone number of the complainant; nature of the complaint; date and location of the incident; individuals involved; evidence on which the complaint is based; and direct resolution sought by the complainant.
- The Title IX Coordinator / Deputy Title IX Coordinator will inform the respondent of the complaint and possible actions available to address the complaint. The Title IX Coordinator / Deputy Title IX Coordinator will inform the respondent that retaliation is prohibited and will result in disciplinary action.
- An investigation process will be conducted. See Investigatory Procedures under Sexual Misconduct for more details on the investigatory process.
- Following the investigation and the Title IX Coordinator / Deputy Title IX Coordinator receiving a written recommendation from the investigation team, the Title IX Coordinator / Deputy Title IX Coordinator will attempt to recommend a solution, acceptable to both the complainant and the respondent. The Title IX Coordinator / Deputy Coordinator may also recommend dismissal of the complaint or referral to a civil or criminal process.
- If a recommended solution isn't mutually agreed upon or if the respondent declines a direct resolution, the complaint will proceed to the formal complaint process. Thus, direct resolutions aren't able to be appealed.
- A summary of the outcome of the direct resolution written by the Title IX Coordinator / Deputy Coordinator will be kept on file for 2 years. This summary will only be referenced if the respondent has been involved in other incidents of sexual harassment or sexual misconduct.

FORMAL COMPLAINT

Formal complaint procedures regarding sexual harassment as defined above will follow the same reporting, investigation, resolution and appeal procedures as sexual misconduct situations as detailed within the sexual misconduct policy.

Accusations of sexual harassment that are made without good cause will not be condoned. Such accusations are indeed grievous and can have damaging and far-reaching effects upon an individual's education, career and life.

SEXUAL MISCONDUCT

Sexual misconduct is a subsidiary category of sexual harassment that includes sexual violence/sexual assault, sexual exploitation, domestic violence, dating violence, stalking where motivated by sex or involving sexual conduct, and gender harassment / stereotyping.

ZERO TOLERANCE

Sexual violence, which includes, but is not limited to, domestic violence, dating violence, sexual assault, and stalking will not be tolerated at Iowa Wesleyan. Thus, a zero-tolerance policy exists which calls for serious sanctions to be imposed when a respondent is found responsible. These serious sanctions aim to reduce acts of sexual misconduct on campus, to eliminate recidivism of sexual misconduct and are in place because all members of the IW community (students, faculty, staff, coaches, administrators, guests, and visitors) are entitled to an environment free of sexual violence. All members of the community are expected to conduct themselves in a manner that does not infringe upon the rights of others.

PREVENTION EFFORTS AND PROTECTIVE MEASURES

Zero tolerance is a necessary, yet demanding expectation the University has of its community members and that expectation results in the University providing support, education, on-going communication, and a safe and welcoming environment for the community. The sexual misconduct policy, as well as the entire Student Code of Conduct, the Faculty Handbook, and federal legislation, calls for Iowa Wesleyan to support the campus community through numerous prevention efforts and protective measures which include:

- Publicizing the University's expectations of sexual behavior and emphasize the Iowa Wesleyan community is safe and welcoming to all community members.
- Providing campus community members with multiple reporting options of sexual misconduct.
- Assisting individuals in addressing their concerns through referral to appropriate resources;
- Initial Prevention Efforts
 - New Student Orientation sessions facilitated by professional sexual assault victim advocates on appropriate sexual encounters and bystander intervention
 - Employee trainings on sexual harassment and sexual abuse through the institution's insurance provider.
 - On-line training of sexual harassment, sexual abuse and bystander intervention administered during the Fall semester to every member of the Iowa Wesleyan community.
- On-going Prevention Efforts
 - Educational programming during bystander intervention month (August, observed on campus in September) and sexual assault awareness month (April).
 - Annually reviewing Iowa Wesleyan's Title IX and Sexual Misconduct processes and

procedures to align with federal legislation and best practices.

- Iowa Wesleyan University annually educates its “responsible administrators” (see list below) under Title IX and mandatory reporters under the Clery Act on reporting requirements and the educational requirements of sexual violence.*
- Faculty and staff will receive general information regarding Title IX and specifics regarding Iowa Wesleyan’s Sexual Misconduct policy annually.*
- Strategically-identified faculty and staff are educated in bystander intervention training periodically to instill a culture of bystander intervention on campus.
- The Iowa Wesleyan Athletic Department, including administrators, coaches and athletes are trained annually through presentations to address sexual misconduct and Title IX.

**All definitions of terms associated with Title IX and Sexual Misconduct are included in the training.*

SEXUAL MISCONDUCT OFFENSES INCLUDE, BUT ARE NOT LIMITED TO:

1. Sexual Assault
 - a. Non-consensual sexual intercourse (or attempts to commit same)
 - b. Non-consensual sexual contact (or attempts to commit same)
2. Nondisclosure of STD information
3. Sexual exploitation
4. Stalking
5. Dating/Domestic Violence

In most circumstances, unsuccessful attempts to commit any of the following will be addressed by Iowa Wesleyan University in the same manner as if the attempts were successfully completed. All sexual orientations or gender of individuals engaging in sexual activity are held to the same standards of appropriate sexual conduct within this policy. Behaviors related to alcohol or drug use will never function to excuse an offender’s sexual misconduct.

DEFINITIONS OF TERMS

In accordance with federal regulations, executive developments and resources provided to institutions of higher education such as Title IX, Violence Against Women Reauthorization Act of 2013, Sexual Violence Elimination Act (SaVE), January 2014 Task Force to Protect Students from Sexual Violence, July 2014 Survivor Outreach and Support Act, Campus Accountability and Safety Act of 2014, Hold Accountable and Lend Transparency on Campus Sexual Violence Act of 2015, September 2014 “Addressing Sexual Assault and Interpersonal Violence NCAA action, Dear Colleague Letters, the Department of Education and the Office of Civil Rights guidance, and Iowa Wesleyan University’s sexual misconduct policy, the following terms are used:

“EFFECTIVE CONSENT”

“Consent” must be informed, voluntary, and mutual, and can be withdrawn at any time.

Words or actions can give consent as long as they provide mutually understandable permission of the sexual activity that will be taking place. Effective consent is active and ongoing throughout an entire sexual interaction. If a person desires the sexual activity to stop after initially consenting, s/he should verbalize that desire and physically resist further activity. The other individual should cease activity immediately.

- There is no consent when there is force, expressed or implied, or when coercion, intimidation, threats or duress is used.
- Whether a person has taken advantage of a position of influence over another person may be a factor in determining consent.
- Silence or absence of resistance does not imply consent.
- Past consent to sexual activity with another person does not imply ongoing future consent with that person or consent to that same sexual activity with another person.

If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption that meets this standard, or being asleep or unconscious. Date rape drug information can be found at www.911rape.org.

SEXUAL ASSAULT

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“Sexual Assault” is actual or attempted sexual contact with another person without that person’s consent. 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 is 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.

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CORRESPONDING STATE STATUTES IN RELATION TO CLERY ACT CRIMES ARE:

- Forcible Sex Offenses, Sexual Abuse 1st Degree: 709.2
- Forcible Sex Offenses, Sexual Abuse 2nd Degree: 709.3
- Forcible Sex Offenses, Sexual Abuse 3rd Degree: 709.4
- Non-Forcible Sex Offenses, Sexual Abuse 3rd Degree: 709.4
- Non-Forcible Sex Offenses, Sexual Abuse Lascivious Acts with Child: 709.8
- Non-Forcible Sex Offenses, Sexual Abuse Lascivious Acts with Minor: 709.14

DOMESTIC VIOLENCE

A Felony or misdemeanor crimes of violence committed –

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with the victim, as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of jurisdiction in which the crime of violence occurred; or
- By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.”

VAWA Final Regulations

- corresponding state statute in relation to Clery Act Crimes is Domestic Assault: 708.2A

DATING VIOLENCE

Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

- The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of
 - The length of the relationship;
 - The type of relationship, and
 - The frequency of interaction between the persons involved in the relationship.
- For the purposes of this definition...Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

- Corresponding state statute in relation to Clery Act Crimes is currently undefined (August 2014).

STALKING

“Engaging in a course of conduct directed at a specific person that would cause a reasonable person to –

- Fear for his or her safety or the safety of others; or
- Suffer substantial emotional distress
- For the purposes of this definition –
 - Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person’s property.
 - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

- Corresponding state statute in relation to Clery Act Crimes is Stalking: 708.11

NON-DISCLOSURE OF STI INFORMATION

Anyone who knows he or she has a sexually transmitted infection or disease must disclose that information to a potential sexual partner prior to any sexual activity.

SEXUAL EXPLOITATION

“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 behavior that could rise to the level of sexual exploitation include:

- 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 disclosures and objects to such disclosures; and,
- 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.

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WHAT TO DO IF YOU EXPERIENCE SEXUAL MISCONDUCT

GET TO A SAFE PLACE

Following any traumatizing event, including sexual violence, finding a safe and comfortable place where you are secure from harm is important.

CONSIDER RESOURCES

DOMESTIC VIOLENCE

Intervention Program (DVIP)

Henry County Cell #: 319-850-8518

Business #: 319-351-1043

Website: www.Dvipiowa.org

24 Hour Crisis Line: 1-800-373-1043

Rape Victims Advocacy Program

319-541-9554

Website: www.rvap.org

24 Hour Crisis Line: 1-800-228-1625

Contact Responsible Administrators on Campus (See List below)

REPORT INCIDENT TO LAW ENFORCEMENT

You may contact law enforcement, albeit not required to do so, to assist you in obtaining police services and medical treatment. Law Enforcement contact information is as follows:

911

Mt. Pleasant Police Department

319-385-1450 (Monday – Friday 8:00 AM – 4:00 PM)

319-285-3511 (after 4:00 PM)

204 E. Washington Street, Mt. Pleasant, IA 52641

mppolice@iowatelecom.net

http://cityofmountpleasantiowa.org/citysite/citydepartments/policedepartment_generalinformation.aspx

Henry County Sheriff's Department

319-285-2712

106 E. Clay St., Mt. Pleasant, IA 52641

<http://www.henrycountyiowa.us/offices/sheriff/index.htm>

The Title IX Coordinator or Deputy Coordinator is happy to assist you in contacting law enforcement, if you so choose. Again, you are not required to contact law enforcement but if you choose to do so, that does not mean you must participate in a criminal investigation. By contacting the Title IX Coordinator or Deputy Coordinator, they will assist you in the process of filing a report. The appropriate law enforcement agency will work with you directly on pursuing criminal charges.

SEEK MEDICAL ATTENTION

While always a victim's choice, Iowa Wesleyan University encourages victims to seek medical attention as soon as possible, and no later than 96 hours after an incident. For physical acts of sexual misconduct, like rape or dating/domestic violence, you should go to the nearest emergency room as soon as possible. Mt. Pleasant does have an emergency department. Details can be found at <http://www.hchc.org/ed/>.

- Emergency Department Hours: 24 Hour Staffing
- Emergency Department Contact: 319-385-3141
- Henry County Health Center Address (Emergency Dept.): 407 S. White Street, Mt. Pleasant, IA 52641

It is important to know that you don't have to seek medical attention alone. You certainly can have someone you feel comfortable with join you, such as a friend, colleague, Resident Assistant, responsible administrator, or staff from Iowa Wesleyan Partner organizations: DVIP (Domestic Violence Intervention Program) or RVAP (Rape Victims Advocacy Program).

In most instances, the medical exam has two goals: first, to treat the full extent of any injury or physical trauma and to consider the possibilities of sexually transmitted disease or pregnancy and, second, to properly preserve evidence in case you decide to prosecute.

IMPORTANT: Do not bathe, douche, brush your teeth, drink or change your clothing, as you may be destroying evidence you will need if you decide to prosecute. If you must change clothing, place them in a paper bag (do not use plastic bags).

Seeking medical attention does not mean you must report the incident to law enforcement. You can seek medical attention and still choose not to report.

PRESERVE ALL PHYSICAL EVIDENCE

The preservation of evidence for proof of criminal domestic violence, dating violence, sexual assault, or stalking, as well as for obtaining a protection order, is extremely important. Keep evidence such as text messages, social media posts, voicemails, notes and pictures related to the incident. Also, do not disturb the scene of the incident. Leave all sheets, towels, etc. that may bear evidence that needs collected. This evidence may be used in an administrative investigation with the University or with a criminal investigation with law enforcement. It is recommended that you don't bathe, douche, brush your teeth, drink, or change your clothing, as you may be destroying evidence you will need if you decide to prosecute. If you must change clothing, place them in a paper bag (do not use plastic bags – plastic degrades evidence).

THE UNIVERSITY'S OBLIGATION TO COMPLAINANTS AND OUR COMMUNITY TO ACT

Prompt and effective response to concerns of sexual harassment and violence is of the utmost importance to Iowa Wesleyan University. Knowledge or reasonable awareness of sexual harassment or sexual violence by Iowa Wesleyan University will result in immediate action addressing the sexual misconduct and lessening the chances of repeated actions. It is important to note that even if a complainant or someone with the complainant's best interest (parents, grandparents, legal guardians, etc.) in mind doesn't want to pursue action through the University Sexual Misconduct procedures, the University is still obligated to investigate a concern it is knowledgeable of or should be aware of due to the interest of campus safety. While investigations and processes may need to occur regardless of the complainant's desire or willingness to participate, Iowa Wesleyan University will do everything it can to abide by a complainant's wishes, while also upholding the responsibilities of creating a safe and violence free campus environment as well as adhering to federal guidelines related to sexual misconduct. Similarly, if law enforcement involvement and legal proceedings are happening with an incident known by the University, Iowa Wesleyan is still required to resolve complaints of sexual misconduct internally. The concurrent action being taken by law enforcement doesn't relieve the institution of its obligations to carry out sexual misconduct procedures.

While reporting sexual harassment and violence is a choice of every individual, Iowa Wesleyan University hopes complainants report concerns to the University. These reports and the action that follows allows the community to be safer, more welcoming and free of sexual harassment and violence. Because of this, Iowa Wesleyan University offers complainants of sexual misconduct amnesty from policy violations related to the sexual misconduct incident. Additionally, interim measures will be taken to assure a safe environment free from fear, anger, and concern are available for both the complainant and respondent's safety and well-being. Furthermore, the University encourages bystander intervention and will extend limited amnesty to other community members offering assistance if other policy violations are present during the bystander intervention. Lessened sanctions may be administered in situations involving sexual misconduct if policy violations don't warrant full amnesty.

Intentional false reporting of sexual misconduct is a violation of the Code of Conduct and may also violate state criminal statutes and civil defamation laws.

Iowa Wesleyan prohibits retaliation against a person who exercises his or her rights or responsibilities in relation to sexual misconduct. Identified retaliation will result in appropriate disciplinary action through the student conduct system or appropriate employee supervisors depending on the person involved.

INTERIM MEASURES

Iowa Wesleyan University will consider interim measures throughout all phases of the investigation process, but especially at the beginning of the investigation. It is important to note that due process limitations will always be considered when administering interim measures. See the section, "Reporting" for more details on how interim measures are administered. Interim measures may include but are not limited to:

- Adjusting the complainant's and/or respondent's work schedule, assignment, or location for

University employment.

- Changing the complainant's and/or respondent's academic schedule, allowing the complainant to take an incomplete in one or more courses, allowing the complainant to drop (or retake) a course without penalty, or attend class through on-line resources.
- Providing an escort to ensure safe movement between classes, work sites, and other activities.
- Allowing the complainant to withdraw from or retake a class without penalty, or extending deadlines for examinations or other assignments.
- Providing access to tutoring or other academic support.
- Putting the respondent on paid administrative leave until the conclusion of the investigation.
- Residence hall relocation
- Residence hall bans
- No-contact orders
- Campus bans
- Assistance in securing counseling
- Course section reassignments
- Consultations with parents or other emergency contact people with approval from student

Failure to comply with interim measures is a separate violation of the policy and is addressed through the Student Handbook, Personnel Policy Manual or Faculty Handbook.

SANCTIONS FOR SEXUAL MISCONDUCT POLICY VIOLATIONS

- Preponderance of Evidence Standard
 - This is the standard used in all sexual misconduct cases.
 - It means it is "more likely than not" that the proposition occurred.
 - Is less strict than "proof beyond a reasonable doubt".
 - Evidence doesn't need to be clear and convincing.
- Any student found responsible for committing "rape" which is defined within "Sexual Assault" will receive a recommended sanction of suspension or dismissal. If suspension is sanctioned, it will be in effect until the offended party has graduated or is no longer enrolled, or for a minimum of one year after the sanction has been issued, whichever is longer. If the suspended student requests re-enrollment, s/he must contact the Vice President for Student Development seeking approval to return. Specific conditions may be put in place if approved to re-enroll such as limited or non-existent participation in University Athletics, clubs/organizations, or other co-curricular activities; not publicly representing Iowa Wesleyan University, or residence hall restrictions. The University would consider and work with a student needing to participate in co-curricular activities required for graduation. If dismissal is sanctioned, the student's status is terminated and never allowed to re-enroll.

- Any student found responsible for violating other acts of sexual assault not defined as rape (definition is in Definition of Terms section of this policy) will receive a sanction ranging from probation to dismissal, depending on the severity of the incident.
- Any student found responsible for violating the policy on non-disclosure of STI information or sexual exploitation will receive a sanction ranging from warning to dismissal, depending on the severity of the incident.
- Domestic Violence / Dating Violence or Stalking which are not sexual in nature will be addressed through the Student Conduct Process rather than the Sexual Misconduct Policy and processes. Domestic Violence / Dating Violence or Stalking that does involve sexual violence will be addressed through this Sexual Misconduct Policy and processes.
- Any Faculty member found responsible for violating the sexual harassment or sexual misconduct policy will receive appropriate disciplinary action through employment policies and procedures outlined in the Faculty Handbook.
- Any Staff member found responsible for violating the sexual harassment or sexual misconduct policy will receive appropriate disciplinary action through employment policies and procedures outlined in the Personnel Policy Manual.

The Title IX Coordinator has the right to increase or decrease recommended sanctions but may only do so when mitigating circumstances or egregiously offensive behavior exists. No investigation team members will deviate from recommended sanctions / disciplinary action unless reasonable, informed action strongly suggests to do so.

REPORTING

Any University community member who has been the subject of Sexual Misconduct has the right to make a report to the Responsible Administrators identified below and law enforcement agencies, or may choose not to report. If reported to Responsible Administrators or the University becomes aware of an alleged incident even without a complaint filed, under this Policy the following procedures will be applied. It is important to note that regardless of a complaint being addressed in a different venue (court of law, etc.), the University has an obligation to carry out this process in its entirety. A reporting individual will be protected from retaliation and will receive appropriate assistance and resources from the University.

CONFIDENTIALITY

Victims of sexual misconduct are encouraged to file formal complaints to Iowa Wesleyan University Responsible Administrators. Although other faculty and staff may assist and advise victims, formal disciplinary action against the accused can only be guaranteed when the victim communicates with a responsible administrator. See below for further information regarding reporting. Victims should be assured that that responsible administrators and confidential reporting options who they report incidents too will take the report seriously and carry out the appropriate processes accordingly. Reports made to responsible administrators will be private and all efforts will be made to preserve the rights and privacy of the parties involved. While private, please know that doesn't mean kept in confidence. The circle of people involved and needing to know will be kept as small as possible but those who need to

know, will be privy to the necessary information within the filed report.

CONFIDENTIAL ON CAMPUS RESOURCES

Iowa Wesleyan Counseling Services provided by Truth Foundation
Sam Reighard, Annie Powell, & Anne Reiter
319-385-6483
counseling@iw.edu

RESPONSIBLE ADMINISTRATORS: NON-CONFIDENTIAL CAMPUS RESOURCES

Vice President for Student Development Title IX Coordinator
Wesley H. Brooks, Ph.D.
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Wesley.brooks@iw.edu

Director of Human Resources Deputy Title IX Coordinator Kathy Moothart
319-385-6209
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Assistant Dean of Students and Director of Residential Life Luis Aranda
319-385-6257
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BJ Wagy
Head Volleyball Coach Asst. Athletic Director 319-385-6305
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All Iowa Wesleyan Security Officers (3 total officers - Per Mar staff) 319-931-6802

All Iowa Wesleyan Resident Assistants (19 Resident Assistants)

FILING A COMPLAINT

This policy affords a complainant multiple reporting mechanisms for sexual misconduct. They include filing a complaint with one of the 29 identified responsible administrators (above) or by filing a complaint through the [IWSafetyFirst](#) electronic submission form. [IWSafetyFirst](#) allows IW community members to file complaints electronically which affords people the opportunity for anonymity if they so choose. However, anonymous reports limit the University's ability to take action on the matter, and direct follow-up may not be possible if an anonymous report is filed.

From the onset of this process, both the complainant and accused are entitled to have an advisor of their choice present at all times during the sexual misconduct process (i.e. all meetings, investigative interviews, etc.). The advisor is not required to be the same person throughout the process and is not limited to someone in the campus community.

If a responsible administrator (above) receives a report of sexual misconduct or becomes aware of it in another way, s/he is required to report it to the University's Title IX Coordinator. The report shared with the Title IX coordinator will include the name of the complainant, the victim (if different), the accused if known, any witnesses and other relevant information, including the date, time and location of the incident.

It is recommended the complainant consider the reporting obligations of a responsible administrator and that Title IX prohibits retaliation against a complainant and will take strong responsive action if retaliation occurs.

If a complainant desires full confidentiality in these matters, s/he should report the complaint to the confidential on-campus resources listed above rather than a responsible administrator or other University personnel. Discussing matters of sexual misconduct with members of the campus community not listed as a responsible employee or as a confidential reporting option may still result in action being taken by the University. This is due to the obligation Iowa Wesleyan has to follow-up on all reports of sexual misconduct and University employees are strongly encouraged to report incidents of sexual misconduct (excluding confidential resources) even if they aren't mandated to do so as responsible administrators. To ensure confidentiality, reports should be made to confidential on-campus resources only. However, complainants can request the University maintain confidentiality (to the extent permitted by law) in all reports of sexual misconduct and the institution will do its best to honor that but it can't be expected or guaranteed when filing a complaint with a non- confidential responsible administrator. If its determined action can't be taken without the risk of jeopardizing confidentiality, the University will inform the complainant prior to starting an investigation. The University will, however, maintain information as private and share only necessary information to act on this policy.

Additionally, complainants may request the University not conduct an investigation or take action against the accused. Iowa Wesleyan University is not required to honor that request. In appropriate circumstances, the University may move forward with an investigation and continue with the processes outlined in this policy even without the consent or cooperation of the complainant.

While all members of the campus community (excluding confidential resources) are encouraged to report incidents of sexual misconduct, the possibility of the complaint not be acted upon by the University exists if the complainant informs someone other than a responsible administrator. Be

advised, Faculty members, in general, are not responsible administrators. While strongly encouraged to report, it shouldn't be assumed that a report made to a Faculty member will be brought to the attention of the appropriate University officials for action to then be taken.

INVESTIGATORY PROCEDURES

When the Title IX Coordinator receives a report of sexual misconduct from a complainant or responsible administrator, investigatory processes will commence. The University aims to address complaints of sexual misconduct as quickly and efficiently as possible without jeopardizing quality, thoroughness, fairness and effectiveness. The University seeks to resolve all matters of sexual misconduct within sixty days. Circumstances may arise that require the extension of time frames, including extension beyond sixty (60) days. Such circumstances may include the complexity of the allegations, the number of witnesses involved, the availability of the parties or witnesses, the effect of a concurrent criminal investigation, any intervening school break or vacation, or other unforeseen circumstances.

In general, a complainant and respondent can expect that the process will conclude within 60 days. In the event that the investigation and resolution exceed this time frame, the University will notify all parties of the reason for the delay and the expected adjustment in time frames.

At the request of law enforcement, the University may agree to defer its fact-gathering until after the initial stages of a criminal investigation. The University will nevertheless communicate with the complainant regarding Title IX rights, procedural options, and the implementation of interim measures to ensure safety and well-being. The University will promptly resume its fact-gathering as soon as law enforcement has completed its initial investigation.

TIMEFRAME:

Steps 1 – 6 should occur within 5 business days of the complaint being received by a responsible administrator or Title IX Coordinator.

Steps 7 – 11 should occur within 10 business days of the complaint being received by a responsible administrator or Title IX Coordinator.

Steps 12 & 13 should occur within 20 business days of the complaint being received by a responsible administrator or Title IX Coordinator.

Steps 14 & 15 should occur within 30 business days of the complaint being received by a responsible administrator or Title IX Coordinator.

Steps 16 should occur within 35 business days of the complaint being received by a responsible administrator or Title IX Coordinator.

Steps 17 – 21 should occur within 60 TOTAL days of the complaint being received by a responsible administrator or Title IX Coordinator.

*The timeframes of individual steps outlined above are general estimates and intended to provide the parties involved with a framework of how the process will unfold. However, individual steps may progress more quickly or be delayed. Unless significant deviations from this step-by-step timeline will

occur, only a delay in the 60 day completion process will warrant communication from the University as to why there has been a delay in the process.

STEPS:

Following the Title IX Coordinator/Deputy Title IX Coordinator's receipt of a report of sexual misconduct, the following occurs:

Step 1: The Title IX Coordinator and/or Deputy Coordinator will have a preliminary meeting with the complainant to discuss the entirety of the process that will be occurring. It is important to note that both the complainant and the accused have the right to have an advisor of their choice present throughout the process. A full investigative interview will not take place during the preliminary meeting. This meeting has two main objectives: (1) Gain a basic understanding of the nature and circumstances of the report and (2) to inform the complainant what s/he can expect this process to include plus receiving information about resources available to them.

The understanding and circumstances of the report will proceed to the point where a reasonable assessment of the safety of the individual and of the campus community can be made. This understanding may warrant the Title IX Coordinator or Deputy Coordinator to implement interim measures. If interim measures are necessary immediately, step 6 would become step 2 in this process. If interim measures are not deemed appropriate or necessary at that time, interim measures will be highly considered again in step 6 of the process. (Steps 1 – 6 should occur within 5 business days).

Following the preliminary hearing, the additional steps within this policy will be executed unless specific factors warrant not proceeding. Those factors could include the complainant's wish not to pursue disciplinary action, the risk posed to any individual or the campus community by not proceeding, and the nature of the allegation. As stated previously, the University is obligated to attend to matters of sexual misconduct even at times when the complainant requests no action be taken. The safety of the campus community is of paramount importance.

Step 2: A two-member investigation team (lead investigator/secondary investigator) will be assigned by the Title IX Coordinator or Deputy Coordinator to conduct the investigation of the complaint.

University Investigators for incidents involving student respondents include:

- Julie Duplessis, Director of Enrollment
- Luis Aranda, Assistant Dean of Students and Director of Residential Life
- Kate Garretson, E-Resources and Instruction Librarian
- Anna Zander, Sports Information Director
- Derek Zander, Men's Head Baseball Coach
- Michael Richtman, Head Football Coach

University Investigators for incidents involving faculty/staff respondents include:

- Dr. Wesley Brooks, Vice President for Student Development and Title IX Coordinator
- Ms. Kathy Moothart, Director of Human Resources and Deputy Title IX Coordinator
- Dr. DeWayne Frazier, Vice President for Academic Affairs
- Ms. Chris Plunkett, Vice President for Finance and Treasurer

The investigators assigned to complaints are done so in a manner to avoid any potential conflicts of interest or supervisory lines. Discretion will be used whenever possible to limit fellow employee involvement in the investigation process regardless of whether a faculty or staff member is involved as a complainant or respondent. Faculty/Staff respondent investigators may be assigned to student respondent complaints if a faculty/staff member is the complainant but appointment of investigators is at the discretion of the Title IX and Deputy Title IX Coordinators. The accused and the complainant have the opportunity to present concerns of the assigned investigators in writing to the Title IX Coordinator prior to Step 3. If it has been determined that process will be positively impacted by the respondent not learning of this complaint until step 6, s/he will have the opportunity to present a concern in writing at that time. Concerns must be presented within 1 business day of learning who the investigatory team members are. If a concern is deemed legitimate, another investigator will be assigned.

- Step 3:** The complainant will be contacted by the lead investigator to coordinate an interview time.
- Step 4:** The complainant interview will be conducted. Both members of the investigatory team will be present for the interview. The complainant can have an advisor of their choosing present for the interview. Investigators may choose to record the interview. If so, they must receive permission from the complainant in order to do so.
- Step 5:** An interview summary will be prepared by the investigative team. The complainant will be asked to review the summary and sign off, acknowledging truthfulness and agreement with the summary's contents.
- Step 6:** Interim Measures will be considered throughout all phases of the investigation but will be a top priority at the beginning of the investigative process. Initially, interim measures may be executed by the Title IX Coordinator or Deputy Coordinator following receipt of the initial complaint or after the complainant has been interviewed. The investigative team must inform the Title IX Coordinator if interim measures are deemed appropriate following the complainant interview and provide the Title IX Coordinator with a recommendation. Interim Measures, if applicable, are communicated in writing to the complainant and the accused by the Title IX Coordinator.
- Step 7:** The accused will be notified of the complaint made against them by the Title IX Coordinator. This notification will also include the interim measures being implemented, if applicable.
- Step 8:** The Title IX Coordinator and/or Deputy Coordinator will hold a preliminary meeting with the accused. It is important to note that both the complainant and the accused have the right to have an advisor of their choice present throughout the process. A full investigative interview will not take place during the preliminary meeting. This meeting has three objectives which

include: (1) to inform the respondent of the complaint made against them and their agreement or lack thereof with the complaint, (2) to inform the respondent of what s/he can expect this process to include plus receiving information about resources available to them and (3) to learn of the members of the investigatory team. The respondent will have an opportunity to present any concerns with the investigatory team members in writing to the Title IX Coordinator or Deputy Title IX Coordinator. This concern must be submitted within 1 business day of learning who the investigatory team members are.

*If the respondent agrees with the complaint of sexual misconduct against them, it is appropriate for this process to immediately move to resolution procedures because both parties agree on the facts of the complaint.

- Step 9:** The respondent will be contacted by the lead investigator to coordinate an interview time.
- Step 10:** The respondent interview will be conducted. Both members of the investigatory team will be present for the interview. The respondent can have an advisor of their choosing present for the interview. Investigators may choose to record the interview. If so, they must receive permission from the respondent in order to do so.
- Step 11:** An interview summary will be prepared by the investigative team. The respondent will be asked to review the summary and sign off, acknowledging truthfulness and agreement with the document's contents.
- Step 12:** The investigation team will reach out to and interview any witnesses deemed necessary. Investigators may choose to record any of those interviews. If so, they must receive permission from the witness in order to do so.
- Step 13:** Interview summaries with witnesses will be prepared by the investigative team. The witnesses will be asked to review the summaries and sign off, acknowledging truthfulness and agreement with the document's contents.
- Step 14:** The investigation team may find it necessary to visit with the complainant, respondent, or witnesses again. If this is necessary, the lead investigator will contact the necessary individual to coordinate an interview time, the interview will be conducted by both members of the investigatory team, the complainant or respondent may have an advisor of their choosing present, and the interview may be recorded if permission is given by the interviewee. If additional interviews are conducted, interview summaries will be prepared by the investigative team and reviewed and agreed upon by the interviewee.
- Step 15:** When it has been determined that all necessary information has been attained by the investigation team, the investigation team will provide opportunities for the complainant and respondent to review all written interview summaries pertaining to the incident. To protect confidentiality, both the complainant and respondent will be asked to sign non-disclosure agreements regarding the information they are reviewing. However, a complainant cannot be required to sign a non-disclosure agreement. Both the complainant and respondent will have the opportunity to rebut information in the interview summaries of those documents they

hadn't already agreed with and signed off prior in the interview summary review processes. Those written rebuttals must be submitted to the lead investigator within 3 business days of the interview summary review taking place.

Step 16 for Incidents involving only students: The Investigation Team will make a finding of "responsibility" for a specific violation based on the findings within their investigation. The finding will be based on the preponderance of evidence standard defined in the Sanctions section of this policy. The investigation team will prepare a written report to share with the Title IX Coordinator, detailing the finding, the evidence supporting the finding, and any evidence that the investigation team excluded from its consideration, and why. The report should conclude with recommended sanctions. This report should not exceed three pages in length, and must be submitted to the Title IX Coordinator within 3 business days of deliberations.

Step 16 for Incidents involving faculty or staff respondent: The Investigation Team will make a finding of "responsibility" for a specific violation based on the findings within their investigation. The finding will be based on the preponderance of evidence standard defined in the Sanctions section of this policy. The investigation team will prepare a written report to share with the appropriate supervising Vice President, detailing the finding, the evidence supporting the finding, and any evidence that the investigation team excluded from its consideration, and why. The report should conclude with recommended disciplinary action. This report should not exceed three pages in length, and must be submitted to the supervising Vice President within 3 business days of deliberations.

RESOLUTION PROCEDURES

RESOLUTION PROCEDURES FOR INCIDENTS INVOLVING STUDENT RESPONDENTS

- Step 17:** The Title IX Coordinator receives the investigation team report as detailed in step 16 of the investigation process. The Title IX Coordinator will then review the investigative report and consider the validity and appropriateness of the finding and recommended sanctions.
- Step 18:** The Title IX Coordinator will finalize the appropriate sanctioning based on the findings and recommendations of the investigative team. The Title IX Coordinator may alter the finding and/or recommended sanctions prior to implementation of the sanctioning. Sanctioning will align with the direction of the sanction section of this policy.
- Step 19:** The Title IX Coordinator will write outcome letters to be delivered to both the complainant and the respondent. The outcome letters will explain the finding, rationale for that finding, the sanctions associated with the finding, and the process for meeting those sanctions.
- Step 20:** Both the complainant and respondent will be notified in writing simultaneously of the outcome of the proceeding and appeal procedures; any change to the result before it becomes final; and when the result becomes final. Informing both parties of any institutional disciplinary proceeding is not a violation of the Family Educational Rights and Privacy Act.

Step 21: The Title IX Coordinator will notify parents or guardians of dependent students if suspension or dismissal is issued as a separation between the institution and a student could be a safety concern from a housing or dining perspective.

RESOLUTION PROCEDURES FOR INCIDENTS INVOLVING FACULTY/STAFF RESPONDENTS

Step 17: The appropriate supervising Vice President receives the investigation team report as detailed in step 16 of the investigation process. The supervising Vice President will then review the investigative report and consider the validity and appropriateness of the finding and recommended disciplinary action.

Step 18: The supervising Vice President will finalize the disciplinary action based on the findings and recommendations of the investigative team. The supervising Vice President may alter the finding and/or recommended disciplinary action prior to implementation of the disciplinary action. Disciplinary action will align with the policy and processes outlined in the Personnel Policy Manual or the Faculty Handbook, whichever is applicable.

Step 19: The supervising Vice President will then share his/her final recommendation to the President of the University, including all documentation provided by the investigation team. The President will consider all the information and finalize the finding and disciplinary action, if applicable.

Step 20: The President will write outcome letters to be delivered to both the complainant and the respondent. The outcome letters will explain the finding, rationale for that finding, the disciplinary action associated with the finding, and any timelines or processes associated with the disciplinary action.

Step 21: Both the complainant and respondent will be notified in writing simultaneously of the outcome of the proceeding and appeal procedures; any change to the result before it becomes final; and when the result becomes final. Informing both parties of any institutional disciplinary proceeding is not a violation of the Family Educational Rights and Privacy Act.

Note – If a Vice President is the respondent, the President will receive the investigation report. If the President is the respondent, the Executive Committee of the Board of Trustees would receive the investigation report.

APPEAL PROCESS

APPEALS

Both the complainant and the respondent may make an application for an appeal of a decision of sexual misconduct. Students or University employees desiring to appeal must present their appeal in writing via email to the Vice President for Student Development / Title IX Coordinator within five class days of receiving the initial decision. The right for an appeal to be heard must be based on at least one of the following grounds:

- any irregularities in due process including but not limited to deviation from written

procedures that impacted the fairness of the process or bias on the part of an investigation team member, Title IX Coordinator, Deputy Title IX Coordinator, supervising Vice President or President.

- new evidence not available at the time of the original meeting or hearing that could be outcome determinative;
- the finding doesn't align with the evidence;
- a sanction that is extraordinarily disproportionate to the offense.

STUDENT APPEALS

After receiving a student appeal, the Title IX Coordinator / Vice President for Student Development will refer it to the Student Development Committee for consideration. With the Vice President for Student Development serving as the Title IX Coordinator and also as a member of the Student Development Committee, he/she will not participate in the Student Development Committee appeal review whatsoever. The Student Development Committee initially must determine if the submitted appeal has merit which must be done within 2 business days of the Vice President for Student Development receiving the appeal. Merit is based on the grounds listed above. If it is determined that the appeal will be heard, the Student Development Committee has 10 business days to decide the appeal.

The Student Development Committee may support or change an initial decision. If a change is warranted, the committee may choose to increase or decrease the severity of the sanction or adopt an alternative sanction instead. In rare instances, the Student Development Committee may feel it necessary to refer a situation back to the investigative team with instructions. This is most typical if there are due process concerns or new evidence that could alter an outcome. If the Student Development Committee deems an appeal lacks merit, it can reaffirm the decision made by the Title IX Coordinator without hearing the appeal. The Student Development Committee will be deferential to the Title IX Coordinator's decision, making changes to the finding or sanction only if a compelling justification to do so exists. If the Student Development Committee determines a change is justified, it must hold a meeting with Title IX Coordinator and Investigative Team to explain the rationale for changing the finding or sanctions.

EMPLOYEE APPEALS

After receiving a faculty or staff member appeal, the Title IX Coordinator will forward the appeal to the Deputy Title IX Coordinator who manages faculty / staff concerns and the Committee on Professional Grievances and Complaints. The Deputy Title IX Coordinator will then inform the President an appeal has been submitted. The Committee on Professional Grievances and Complaints initially must determine if the submitted appeal has merit which must be done within 2 business days of the committee receiving the appeal. Merit is based on the grounds listed above. If it is determined that the appeal will be heard, the Committee on Professional Grievances will have 5 business days to act on the appeal.

The Committee on Professional Grievances and Complaints may support or recommend a change of an initial decision. If a change is warranted, the committee may choose to recommend increasing or decreasing the severity of the disciplinary action or adopt an

alternative action instead. The recommendation made by the Committee is shared with the Deputy Title IX Coordinator who shares the information with the final determining body, the Executive Committee of the Board of Trustees. In rare instances, the Committee on Professional Grievances and Complaints may feel it necessary to refer a situation back to the investigation team with instructions. This is most typical if there are due process concerns or new evidence that could alter an outcome. If the Committee on Professional Grievances and Complaints deems an appeal lacks merit, it can reaffirm the decision made by the President without hearing the appeal and inform the Deputy Title IX

Coordinator of that decision. The Deputy Title IX Coordinator will then forward that information to the Executive Committee of the Board of Trustees to take final, official action. The Committee on Professional Grievances and Complaints will be deferential to the President's decision, making changes to the finding or disciplinary action only if a compelling justification to do so exists. If the Committee on Professional Grievances and Complaints determines a change is justified, the Chair must hold a meeting with the Deputy Title IX Coordinator and President to explain the rationale for recommending changing the finding or sanctions.

RECORD KEEPING

The Title IX Coordinator will maintain all sexual misconduct records for seven years. Substantiated complaints against students will result in final sanction letters being entered into the student's file maintained in the Student Development Office. Records of all complaints that are not substantiated will be maintained in a file in the Vice President for Student Development's Office.

FEDERAL STATISTICAL REPORTING OBLIGATIONS

In accordance with federal regulations, an Annual Security Report is published which illustrates the number of sexual misconduct cases that occurred during that reporting year. Only statistical information is shared as personally identifying information is kept confidential. All Campus Security Authorities are required to report statistical information to the Vice President for Student Development.

FEDERAL TIMELY WARNING REPORTING OBLIGATIONS

When respondents of sexual misconduct allegations continue to pose threats of bodily harm or danger to members of the Iowa Wesleyan campus community, college administrators must issue timely warnings alerting members of potential risk. It is the aim of the University to maintain confidentiality so a victim's name and other identifying information is not disclosed, in the warning but sufficient information must be communicated to allow students to make appropriate decisions about their safety. Persons required to report timely warnings are all campus security authorities.