

**2016
Annual Security Report
and
Fire Safety Report**

Luther College
700 College Drive
Decorah, IA 52101

Clery Act - Annual Security Report - Luther College

In 1990 the United States Congress passed legislation commonly known as the Campus Security Act. It is now known as the Clery Act. It directed campuses to compile and publish statistics about campus crime, and publish campus policies and practices related to safety and security issues. This report, as well as information in the Student Handbook, is published in compliance with that legislation. Since the original legislation, there have been changes in regulation and interpretation; the most notable is the Higher Education Amendments of 1998 and the reauthorization of the Violence Against Women Act in 2013. The regulations are complicated and sometimes confusing. The first section of numbered statements in this report is organized to be somewhat parallel with the order of legislated requirements. Following the statistics, there are some clarifications that will help interpret the statistics; readers are encouraged to inquire about this report and the federal regulations.

1. **Reporting and Preparation.** Students, or others, should make reports to either the Campus Security Office, the Residence Life Office (including residence hall staff), or the Student Life Office regarding crimes they witness or suspect, or in the event of any emergency.
 - Luther College, via the Student Life, Residence Life, or Campus Safety and Security offices, will advise the community when they become aware of criminal activity that is considered to be a threat to the immediate safety of the community. These timely warnings may be done via electronic alerts such as email, text message, postings, or other means of mass communication.
 - Annual crime statistics in compliance with the Clery Act are prepared annually, and distributed no later than October 1, by the Student Life Office, in cooperation with Campus Security, Residence Life, local police, and other campus offices that may have knowledge of criminal activity.
 - As noted above, criminal activity should be reported to Campus Safety and Security, Residence Life, or Student Life - or, the Decorah Police. Crimes may be reported on a confidential (not to be construed as anonymous) basis, requesting inclusion in the annual crime statistics, to the Student Life Office, Campus Pastors, or the Counseling Service staff. In this case, confidential reporting shall be defined as reports that are filed or verbally reported, and deemed to be legitimate, but for which no particular action is requested by the reporting party.
2. **Facilities.** Campus buildings are on a lock and unlock schedule set by Campus Safety and Security through each department or building. Residence halls have an electronic card access system, and are locked 24 hours/day. Residence Life staff are on duty in residence halls during evening and night hours. All other buildings are locked and unlocked by Security or building staff. Buildings are opened at predetermined times to accommodate their use by staff and students. Campus Safety and Security personnel check non-residential buildings are checked on a regular basis. These precautions cannot prevent all potential intruders from being in buildings, so students and staff should practice good

personal safety, assist in keeping locked doors closed, and alerting officials when there is suspicious activity.

- Campus Safety and Security staff checks lighting facilities on campus and offers suggestions for improved lighting or other safety needs. The campus community may contact Campus Safety and Security regarding such issues or students may contact the Student Senate's Campus Betterment Committee.

3. Security and Law Enforcement

- The Luther College Campus Safety and Security Office is located on the main level of the Dahl Centennial Union. Security personnel may be reached by calling (563) 387-2111.
- Campus Safety and Security staff are campus security personnel, who are not deputized or have arrest authority. Although Campus Safety and Security and Student Life review reports of crimes, Luther does not have a fully investigative security staff; therefore, members of the campus community might receive a more complete investigation of criminal activity when they report such activity to the local police who have more extensive investigative resources. The working relationship and communication with the local Decorah Police is good, and includes cooperation on investigations, etc. It also includes the discussion of "reportable" crimes for annual statistics.
- As noted above, the campus community is encouraged to report crimes to the above noted resources.
- Via copies of this report, licensed campus counselors and pastors are encouraged, when they deem it appropriate, to inform persons they are counseling that the information they share may be confidentially used in the annual campus crime reports, if they desire. If they desire that, they should advise the counselors or pastors, who will then report the figures to the Student Life Office.

4. Type and Frequency of Programs

Students and staff are annually provided Student Handbook information and information related to the Clery (Campus Security) Act. Via this report, the community is encouraged to use common sense in safety and security practices, and report criminal and suspicious activity. The Campus Security and Security Office has a public bulletin board with safety and security information available, including the daily crime logs.

Crime Prevention and Training

In an effort to promote safety and foster a campus climate intolerant of sexual misconduct, the College makes the following preventative programming and response resources available:

- Haven / Think About It: All first-year and transfer students were required to complete an online substance and sexual abuse training program that

prepares students to confront and prevent serious campus problems. This course takes an interconnected view of the issues of substance abuse, hook up culture, sexual violence, and healthy relationships. All faculty and staff also went through a similar online course aimed at helping them identify problematic situations in the workplace and support survivors of sexual violence.

- Fit and Well: All Luther College students are required to complete Health 100: Fit and Well, a for-credit course. Amongst other topics, Fit and Well includes training on healthy relationships, consent in sexual encounters, and bystander intervention.
- The Luther Way: All first-year students go through the Luther Way, which includes a theatrical presentation performed by a student acting group. This dynamic program encourages students to confront issues of consent, healthy relationships, and bystander responsibility.
- Step UP! Bystander Intervention Training: Step UP! Bystander Intervention Training is offered periodically, both as targeted trainings for individual groups and generally for anyone interested. Step UP! is a prosocial behavior and bystander intervention program that educates students to be proactive in helping others. Step UP! aims to raise awareness of helping behaviors, increase motivation to help, develop skills and confidence when responding to problems or concerns, and ensure the safety and well-being of self and others.
- Fall Week of Action: Luther College participates in the Fall Week of Action, with awareness initiatives and an invitation to take the It's On Us pledge.
- April Sexual Assault Awareness Month: Luther College observes Sexual Assault Awareness Month with a series of high-profile events on campus, including speakers, film screenings, discussion panels, and bystander intervention training.
- Norse Against Sexual Assault: Luther College supports Norse Against Sexual Assault, a collaborative student organization that works with faculty, administration, and advocates to raise awareness about sexual assault at Luther College and in society at large. NASA plays a leading role in the Fall Week of Action and April Sexual Assault Awareness Month.
- Independent Victim Advocates: Luther College regularly hosts independent victim advocates from the Riverview Center, which works with survivors of sexual assault, and Helping Services for Northeast Iowa, which works with survivors of domestic abuse. These advocates hold office hours, participate in educational and awareness programs, and lead confidential survivor support groups.

Training is conducted annually for all investigators, adjudicators, and others who directly address incidents of sexual violence. These trainings include information regarding nonconsensual sexual contact, nonconsensual sexual intercourse, stalking, dating violence,

and domestic violence. This training also includes a trauma-informed training to help our employees recognize and understand the impact of trauma on sexual violence survivors.

All students receive an overview of the College's policies on Student Sexual Misconduct, Alcohol and Other Drugs, and Discriminatory and Harassing Conduct at the beginning of the fall semester. This overview provides information on reporting crimes and violations of college policies.

Resident Assistants were trained on August 23, 2016 on the Student Policy on Sexual Misconduct and their role in both prevention and receiving reports of alleging violations of the aforementioned policy. Students received detailed information regarding the policy, confidential resources, and reporting expectations regarding their role.

The Luther College Hearing Board received training in relation to the Student Policy on Sexual Misconduct and their role in adjudicating formal complaints. The training included trauma-informed response, sexual assault examinations and detailed overview of consent (September 3, 2016).

Additional trainings were provided to the College's Harassing Conduct Officers.

Various groups or offices may offer additional safety and security notices and programs throughout the year.

5. **Crime Statistics** as required by this legislation are included in this report.
6. **Reporting Areas.** Luther does not have recognized student groups or organizations, residing as such, in the local community; hence there is no monitoring by local police of such groups. For the purposes of statistical crime reporting, reporting areas have been divided into four reporting areas: on campus, residence halls, non-campus, and public property. The on-campus area is comprised of all central campus property. Non-campus includes outlying property owned by the College but not utilized in direct support of the education mission.
7. **The Alcohol and Other Drug Policy** for students is included at the end of this report. It is available in the Student Handbook.

For employees, the college includes the following statements in both the Faculty and Staff Handbooks.

The college prohibits its employees ("employees" or "employee" includes student workers in this policy) from reporting to work or performing work for the college while impaired by or under the influence of illegal drugs or alcohol.

The illegal use, possession, dispensation, distribution, manufacture, or sale of alcohol or other drugs by an employee in the workplace, or while the employee is on duty or official

college business or by a student is prohibited. This standard of conduct applies to all college-sponsored on-campus and off-campus activities.

8. **Alcohol and drug abuse education programs** are conducted primarily via the Lifetime Wellness Program. Statements of compliance with the Drug Free Schools and Communities legislation are included in the Student Handbook and employee staff manuals. A residence hall director is assigned a collateral assignment with the program to promote safe, responsible and legal use of alcohol. Programs can be passive poster campaigns, awareness programs such as Alcohol Awareness Month, or guest speakers. Collaboration on programs may occur with other campus departments and student organizations such as the Student Activities Council.

Luther has adopted **Medical Amnesty** as part of its Alcohol and Other Drugs Policy.

Medical amnesty protects a student from policy violations when they are seeking help in an emergency. Medical Amnesty granted by the College for alcohol or drug sanctions will be granted to students who, in good faith, report, or experience themselves, an alcohol or drug emergency that requires acute emergency care (i.e. a transport to the emergency room). However, a student will not be granted protection under this policy if campus officials (e.g., Residence Life Staff, Campus Safety and Security) intervene beforehand.

Medical amnesty is not viewed as an avenue through which a student may escape responsibility, but rather as an opportunity to reflect on their decision-making process related to their use of alcohol and/or drugs. The goal of amnesty is to increase student awareness of the risks of alcohol or other drug overconsumption and to reduce the instances that require acute emergency care.

The medical amnesty policy is designed to encourage students to seek help in an alcohol or drug emergency without hesitating because of worry about receiving policy violation sanctions from the College. This policy also applies to someone who has been a crime victim, who also may be intoxicated and therefore reluctant to report the crime. If in doubt about a person's safety related to alcohol or drug use, seek help by calling Campus Safety and Security (563-387-2111) or 911.

Additionally, Luther has adopted a **Good Samaritan** exemption for students who may be in violation of alcohol and other drugs policy but who seek help for a peer.

Students are encouraged to immediately seek medical or security assistance for students whose health and wellbeing may be at risk due to the overconsumption of alcohol and/or drugs. Taking responsibility for helping a student in need will always be viewed positively in any post-incident follow-up, including those incidents where the "Good Samaritan" and/or the person needing emergency assistance may have violated the College's alcohol and other drugs policy.

Alcohol Educational Sanctions

Luther College employs a points-based accountability system in regard to alcohol and other drug violations. This system incorporates benchmarks for educational sanctions, loss of privileges, and referral to the hearing board for consideration of suspension or expulsion. The system encourages students to accept responsibility for their behavior and includes opportunities to have points forgiven – and thus return of lost privileges – during a period where no further violations have occurred. Additionally, this system provides a much clearer outline of expectations and outcomes when policies have been violated.

9. Sexual Violence Policy and Programs

- Luther’s Policy on Student Sexual Misconduct, provided at the end of this report, includes definitions of various acts of sexual and domestic violence and consent. Additionally, the policy provides information regarding reporting information, non-retaliation assistance, the process to make a complaint and the College’s response, including a sanction statement. The college prohibits sexual violence of any form including dating violence, domestic violence, sexual assault, and stalking.
- Luther College employs a preponderance of evidence standard in all of its disciplinary procedures, including those employed to resolve complaints of sexual violence.
- Sanctions assessed when a respondent have been found responsible for dating violence, domestic violence, sexual assault or stalking are typically configured to the severity if the violation and its impact on the individual students involved as well as the community. In the most serious cases, lengthy suspensions or expulsion are likely. Other sanctions from the Student Handbook, listed below, may be assessed when relevant and/or necessary.
 - b. Probation—A written reprimand for violation of specified regulations. Probation is for a designated period of time and includes the probability of more severe disciplinary sanctions if the student is found to violate any institutional regulation(s) during the probationary period.
 - c. Loss of Privileges—Denial of specified privileges for a designated period of time.
 - d. Fines—Previously established and published fines may be imposed.
 - e. Restitution—Compensation for loss, damage, or injury. This may take the form of appropriate service and/or monetary or material replacement.
 - f. Discretionary Sanctions—Work assignments, essays, service to Luther College, or other related discretionary assignments. This includes referral for mental health evaluation and/or counseling, or substance abuse education, evaluation, and/or treatment at the student’s expense.
 - g. Residence Hall Suspension—Separation of the student from the residence halls for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.
 - h. Residence Hall Expulsion—Permanent separation of the student from the residence halls.
 - i. No Contact or No Trespass Notices—No contact or no trespass notices may be issued in order to help assure that a member(s) of the college community is

not subject to contact with the Respondent and/or person(s) found in violation of the Code of Conduct.

j. Luther College Suspension—Separation of the student from Luther College for a definite period of time, after which the student is eligible to return. Conditions for readmission may be specified.

k. Luther College Expulsion—Permanent separation of the student from Luther College.

l. Revocation of Admission and/or Degree—Admission to or a degree awarded from Luther College may be revoked for fraud, misrepresentation, or other violation of Luther College standards in obtaining the degree, or for other serious violations committed by a student prior to graduation.

m. Withholding Degree—Luther College may withhold awarding a degree otherwise earned until the completion of the process set forth in this Code of Conduct, including the completion of all sanctions imposed, if any.

- Annual programs are provided during New Student Orientation regarding various aspects of sexual violence. Posters are prominently displayed regarding what to do in the event of sexual assault. A residence hall director is assigned a collateral assignment to support outreach and education efforts on sexual violence, healthy relationships and bystander intervention. Additionally, student groups also provide educational programming.
- Students are advised via this statement, Student Handbook information, and posters, that they should report sexual assault as soon as possible, and not destroy any evidence of assault. Initial reports may be directed to: Student Health Services (x1045), Riverview Center Sexual Assault Resources (563-380-332), Domestic and Sexual Abuse Resource Center (800-383-2988), Hall Director or RA, Winneshiek Medical Center (382-2911), Decorah Police (382-3667).
- Students are advised, via this document, personal discussions or documents, that they have the option to notify law enforcement authorities, and that the Student Life Office will assist them in that notification if they desire.
- On-campus support services available for students include the Counseling Service, Student Health Services, College Ministries, Student Life Office, and Residence Life. They can also assist in making appropriate off-campus referrals (see Counseling Service website).
- Luther will provide resource and other service information to current students and employees. Support and resources are available both on campus and in the local community. Referrals to specific agencies will be made upon request.
- As appropriate, Luther will implement initial remedial and responsive actions upon notice of allegation of a sex offense. Such actions are determined by the context of the situation and will be based upon ensuring the student who filed the complaint has full access to their educational resources. A survivor need not necessarily pursue disciplinary or other action against the perpetrator in order to have access to remedial measures. Luther is obligated to comply with a student's reasonable request for a living and/or academic situation change following an alleged sex offense.

10. Procedures Victims Should Follow

Any kind of coercive sexual contact, either by a stranger or someone you know, is sexual assault. If you are sexually assaulted, tell someone who can help. Don't try to handle it alone. Please consider the following options and resources.

In the immediate aftermath of a sexual assault:

- Contact Campus Security at (563) 387-2111, an RA, or hall director for help. They have received training in how to support you.
- Contact the Riverview Center at (563) 380-3332 or the 24-hour crisis line at (888) 557-0310. A trained sexual assault advocate is available to talk with you by phone or meet with you. The advocate can provide support and information about medical, legal, and counseling resources.
- Secure immediate medical attention at Winneshiek Medical Center Emergency Room, (563) 382-2911, 901 Montgomery St., Decorah.
 - Do not remove any clothing, shower, douche, or do anything that might destroy physical evidence of the assault.
 - A Luther staff member or a Riverview Center advocate can accompany you to the emergency room.
 - Your evaluation and treatment at the hospital can be paid for by the Iowa Sexual Assault Examination Payment Program. You do not need to make a report to the police to receive this benefit, and your health insurance will not be charged.
 - Emergency contraception is most effective within 72 hours, but can still have some effectiveness up to 5 days.
- Make a prompt report to the Decorah Police Department: (563) 382-3667. A Luther staff member or a Riverview Center advocate can assist you if you wish to make a report. You are not obligated to make a report and making a report does not obligate you to pursue formal charges.

After the immediate crisis:

- Seek support from your RA or hall director.
- Contact Riverview Center for information and support.
- Pursue medical follow-up at the Luther College Health Service (563-387-1045; Larsen Hall) or Winneshiek Medical Center ER.
- You may still make a report to the Decorah Police, if you have not already done so.
- Consult with the Student Life Office (563-387-1020; Dahl Centennial Union), about the option of filing a formal complaint and pursuing campus judicial action. Ask any questions you have about the process.
- You may request changes in academic or living arrangements to minimize contact with your assailant, if these are reasonably possible. Speak to the Student Life Office.
- Consult the Student Handbook for information on college policies, reporting, resources and support services.
- Consider confidential counseling support at the Counseling Service (563-387-1375; Larsen Hall).

- Consider confidential pastoral support from the Office of College Ministries (563-387-1040; CFL).

Contact Information

For Emergency Assistance

- Call 9-911 from any campus phone to reach the Decorah Police Department
- Call x2111 to reach Campus Safety & Security

For Confidential Medical Care

- Go to the Winneshiek Medical Center at 901 Montgomery Street, Decorah, IA 52101
- Go to Health Service in Larson Hall or call them at x1045

For Confidential Guidance and Support

- Call Counseling Service at x1375
- Call College Ministries at x1040
- Call the Riverview Center at (563) 380-3332
- Call Helping Services at (563) 387-1720
- Call the Iowa Sexual Abuse Hotline at (800) 284-7821

To File an Official Report

- Meet with Janet Hunter, Dahl Centennial Union 266, x2229
- Meet with Rachael Jones, Dahl Centennial Union 266, x1839
- Meet with Bob Harri, Dahl Centennial Union 129, x2103
- Meet with Matthew Bills, Main 28, x1189

11. Overview of process

Student respondent

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 students of the report.

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

Finally, we must determine the appropriate next steps. We are generally able to allow the victim to decide if and when to initiate the student conduct process. However, where there is a clear threat to campus safety Luther may be required to proceed with the student conduct process without the participation of the victim.

Janet Hunter typically works with students during this stage of the process, consulting with Bob Harri and Matt Bills as necessary.

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:

- Interview with and written statement from the complainant
- Interview with and 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.)
- External reports (medical, police, etc.)
- Bob Harri and Janet Hunter usually handle investigations as a team. Matt Bills monitors progress, consults with the investigators, and communicates with the parties as necessary.

Administrative Resolution

If the allegations do appear to have merit, the Director of Student Rights and Responsibilities may resolve the charges administratively by mutual consent of the parties involved on a basis acceptable to the Title IX Coordinator. Such disposition shall be final, and there shall be no subsequent proceedings otherwise the process continues to a hearing.

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 have a conflict of interest
- Receives notice of the hearing date, time, and location

Kasey Nikkel works with students during this phase of the process, consulting with Matt Bills and the investigators as necessary.

Hearing

The hearing is conducted by the chair, supported by a Hearing Board composed of students, faculty, and staff. All hearings are recorded. The hearing is set up so that the parties cannot see each other. Direct questioning of 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:

- Introductions and hearing procedures
- Opening statement by the complainant
- Opening statement by the respondent
- Questions for the complainant and respondent
- Break
- Witness statements and questions
- Questions for the complainant and respondent
- Break
- Questions for the complainant and respondent
- Closing statement by the complainant
- Closing statement by the respondent
- Conclusion

At the conclusion of the hearing both parties are released and the Board remains to conduct deliberations. First, the Board must determine 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 the one-two days after the hearing.

The Assistant Dean for Student Life and Director of Student Rights and Responsibility currently serves as the chairperson of the Luther College Hearing Board, and she consults with the Title IX Coordinator as necessary.

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, 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, a representative of the Faculty Interests Committee, and the president of the Student Senate. The Appeals Board does not meet with the parties.

Other Considerations and Ongoing Support

In every meeting with Luther College, both parties are entitled to have an advisor of their choice. That advisor may be a student, faculty, family member, attorney, or other outside advisor. However, that advisor is not permitted to speak in the hearing.

Luther College has a strict non-retaliation policy and does not tolerate retaliation against anyone who brings a complaint or otherwise participates in an investigation or hearing related to sexual misconduct allegations.

The formal student conduct process, including all steps from complaint through notice of hearing result, is typically completed in two months or less. However, delays can occur when evidence is difficult to obtain, there are many witnesses to interview, or the College is on break between semesters. We make every effort to resolve complaints in a timely manner and inform both parties of any delays.

The conclusion of the formal student conduct process does not signal the end of the accommodations provided to the victim. Our goal is to do everything we can to allow victims to fully participate in the academic and extracurricular life of the College.

Legal System

Luther College encourages victims to file reports with local police and to press charges if warranted. However, the decision of whether to do that rests entirely with the victim. If the victim does decide to work with local law enforcement, Luther College will invite law enforcement officers to our official interview with the victim, so as to minimize the number of times the victim needs to recall the incident.

Once initiated, the legal process and the on-campus conduct process function separately.

Faculty/Staff respondent

Complaint Procedure

Individuals who become aware of or think they have been subject to discriminatory or harassing conduct are strongly encouraged to contact the College's Harassing Conduct Officers, Andrew Bailey, David Bishop, Carol Johnston, Kathy Reed. These officers are appointed annually by the President of the College (see Section 202.6).

Individuals who become aware of or think they have been subject to discriminatory or harassing conduct may also wish to talk to one of the College Pastors. Because these staff members are professionals with special requirements regarding confidentiality, they are not required to report the incident to the College's Harassing Conduct Officers unless the individual decides to release the information.

After these discussions, if the individual decides to file a complaint with one of the Harassing Conduct Officers or the Sexual Harassment Officer, a written summary will be completed by the complainant or the Officer in conjunction with the complainant. The summary will include the following information: Name, address, and phone number of the complainant; name of the accused; nature of the complaint; date(s) and location(s) of the alleged incident(s); evidence on which the complaint is based.

Once the written summary has been completed, the Officer will begin an investigation of the complaint as soon as possible (see Section 408.1.6). The Officer will also inform the faculty member's Department Head and the Dean of the College about the investigation.

Even if a written complaint is not filed, the College may undertake an independent investigation as circumstances warrant and implement remedial measures.

Reporting Requirements of Supervisors or Department Heads

Supervisors or Department Heads who become aware of any incidents or alleged incidents of discrimination or harassment must immediately report them directly to the College official(s) identified above. Any Supervisor or Department Head who fails to report allegations of discrimination, harassment, or other prohibited conduct or who otherwise fails to deal properly with such allegations may be subject to sanctions or discipline, up to and including dismissal.

Investigation and Response

The Harassing Conduct Officer or the Sexual Harassment Officer will take prompt action to investigate complaints of discrimination or harassment. The investigation will gather sufficient information from both the complainant and the accused in order to determine an appropriate response.

Upon conclusion of the investigation, the College will take immediate and appropriate action to resolve the complaint informally or through formal sanction proceedings as described in Section 409. Any employee found to have engaged in unlawful discrimination, harassment, or other prohibited conduct will be subject to appropriate discipline, from an

oral or written warning up to and including discharge. Immediate and appropriate steps will also be taken if any non-employee (such as a student, vendor, or supplier) is found to have unlawfully discriminated against or harassed any students, College employees, or employees of the College's vendors or suppliers.

The College reserves the right to institute temporary measures to respond to reported incidents of harassment or discrimination pending the completion of any applicable complaint resolution process.

In cases of incidents of anonymous harassment as determined to be serious by the appropriate harassment officers, a timely, campus-wide release of information regarding the incident will be ensured by the Office of the President.

12. Crime Definitions – Jurisdictional Definitions

The following crime definitions are listed as defined by the local law jurisdiction of the Luther College Campus (Decorah, Iowa).

Dating Violence. Currently, the Iowa law does not have a definition for Dating Violence. If a person is in a dating relationship where they are not living together, not married and don't have any kids and an act of violence occurs, such behavior is listed as an assault.

Domestic Violence. Iowa law combines two sections of the criminal code to define domestic violence. The assault code, which defines criminal behavior (Iowa Code 708.1 assault) and the Domestic Abuse Act, which defines a domestic relationship, (Iowa Code 236.2).

"Domestic abuse" is committing assault, as defined in section 708.1, under any of the following circumstances:

- The assault is between family or household members who reside together at the time of the assault.
- The assault is between separated spouses or persons divorced from each other and not residing together at the time of the assault.
- The assault is between persons who are parents of the same minor child, regardless of whether they have been married or have lived together at any time.
- The assault is between persons who have been family or household members residing together within the past year and are not residing together at the time of the assault.
- The assault is between persons who are in an intimate relationship or have been in an intimate relationship and have had contact within the past year of the assault. In determining whether the persons are or have been in intimate relationship, the court may consider:
 - The duration of the relationship
 - The frequency of interaction
 - Whether the relationship has been terminated
 - The nature of the relationship, characterized by either party's expectation of sexual

- romantic involvement.
- A person may be involved in intimate relationship with more than one person at a time.
- “Family or household members” means spouses, persons cohabiting, parents, or other persons related by consanguinity or affinity. This does not include children under age 18 or household members who reside together at the time of the assault.
- “Intimate relationship” means a significant romantic involvement that need not include sexual involvement. An intimate relationship does not include casual social relationship or associations in a business or professional capacity.

Sexual Abuse. Any sex act between persons (Iowa Code section 709.1) is sexual abuse by either of the participants when the act is performed with the other participant in any of the following circumstances:

- The act is done by force or against the will of the other. If the consent or acquiescence of the other is procured by threats or violence toward any person, or if the act is done while the other is under the influence of a drug-inducing sleep or is otherwise in a state of unconsciousness, the act is done against the will of the other.
- Such other participant is suffering from a mental defect or incapacity which precludes giving
- consent, or lacks the mental capacity to know the right and wrong of conduct in sexual abuse.
- Such other participant is a child.

Consent. In reference to sexual activity, as defined by the State of Iowa - the term “consent” with reference to sexual activity is not specifically defined in Iowa law.

13. Crimes of Violence and Non-Forcible Sex Offenses. Upon written request, victims can have the results of any disciplinary proceeding conducted by Luther College against a student who is the alleged perpetrator of a crime of violence of non-forcible sex offense. If the alleged victim is deceased as a result of such a crime, the victim’s next of kin shall be treated as the alleged victim.

14. Bystander Intervention. Tips provided by the It’s On Us (www.itsonus.org):

- Talk to your friends honestly and openly about sexual assault.
- Don’t be a bystander – if you see something, intervene in any way you can.
- Trust your gut. If something looks like it might be a bad situation it probably is.
- Be direct. Ask someone who looks like they may need help if they’re okay.
- Get someone to help you if you see something – enlist a friend, RA, bartender, or host to help step in.
- Keep an eye on someone who has had too much to drink.
- If you see someone who is too intoxicated to consent, enlist their friends to help them leave safely.
- Recognize the potential danger of someone who talks about planning to target another person at a party.

- Be aware if someone is deliberately trying to intoxicate, isolate, or corner someone else.
- Get in the way by creating a distraction, drawing attention to the situation, or separating them.
- Understand that if someone does not or cannot consent to sex, it's rape.
- Never blame the victim.
- If you are a victim or survivor, or helping someone in that situation go to www.notalone.gov to get the resources and information you need. You can also call the National Sexual Assault Hotline at 1-800-656 HOPE.

15. Reducing Risk. Luther College and the surrounding Decorah community are relatively safe places but we are not immune from the same problems that plague the rest of the world; incidents like this happen as sexual assault is a deplorable part of our culture. As a community we can work toward maintaining a safe environment where every individual is treated with respect.

We would also suggest that we exercise good safety practices. The following steps will not eliminate all potential hazards but can help to reduce some of those risks. These are general safety tips and are not necessarily reflective of this reported incident.

- Stay alert and aware of your surroundings; this helps take away the element of surprise someone might otherwise use against you.
- Try not to walk alone, especially at night and/or in isolated areas. Walk with friends and stay in well-lit and well-traveled areas as much as possible.
- Security will provide a walking escort on campus so feel free to utilize this service, (563) 387-2111.
- Carry a cell phone and be aware of where you are so you can direct help to your location if it is needed. Call 911 in an emergency and program the campus security number into your phone, (563) 387-2111.
- If you are traveling alone let someone know your estimated time of arrival to your destination and the route you plan to take.
- Additional steps to reduce risks can be found on the Rape and Incest National Network website: <https://www.rainn.org/articles/steps-you-can-take-prevent-sexual-assault>.

16. Sex Offender Registry. Information regarding the Iowa Sex Offender Registry program, and also information regarding local inquiries, may be found at the following website: <http://www.iowasexoffender.com/>

17. Missing Student Notification and Procedures

Federal law requires colleges to establish a missing student notification policy and related procedures for students who reside in on-campus housing. The Luther College policy follows:

I. Policy Statement on Missing Students

- Each student has the option to identify an individual to be contacted by Luther officials or law enforcement personnel no later than 24 hours after the time a student is determined missing (see below).
- Each student may register and update the identity of this individual, known as the Missing Student Confidential Contact, in the “update my profile” screen of my.luther.
- In the case of students who are under 18 years of age and not emancipated, Luther College is required by federal law to notify a custodial parent or guardian no later than 24 hours after the time a student is determined missing.
- Luther College officials will notify the appropriate law enforcement agency no later than 24 hours after the time a student is determined missing.
- If Luther Campus Safety and Security is notified of a potential missing student and makes a determination that the student has been missing for more than 24 hours and has not returned to campus, Luther will initiate the emergency contact procedures in accordance with the student’s designation. If Luther Campus Safety and Security has reason to believe the student is missing and endangered, the emergency contact process may be initiated prior to being missing for 24 hours.

II. Missing Student Confidential Contact

- Students may identify their contact by completing the “Missing Student Confidential Contact” section of the “Update My Profile” data entry screen of my.luther. The specific data entry statement follows:
- Missing Student Confidential Contact Information – You also have the option to designate an individual to be contacted in the event you are determined to be missing—by Luther officials or law enforcement personnel—for a period of more than 24 hours.
Name _____
Phone _____
- * Note: If you are under 18 years of age and not emancipated, federal law requires that a custodial parent or guardian be contacted.

III. Procedure If You Believe a Student Is Missing

- Immediately notify a Residence Life staff member, Student Life staff member, or a Campus Safety and Security officer. A report will be filed with Campus Safety and Security and an investigation initiated.
- After investigating, Campus Safety and Security will make a determination as to whether or not the student is missing and has been missing for more than 24 hours.
- If the student is determined to be missing for more than 24 hours, Luther College officials will notify the Decorah Police Department and the student’s confidential contact (if the student has provided a confidential contact). If the missing student is under 18 years of age and not emancipated, Luther College officials will immediately notify a custodial parent or guardian.

18. Additional Safety and Security Issues

Although the Luther crime statistics give the impression of a relatively safe environment, there are certain precautions and advice to which any college student should pay attention. The following are not only general safety and security issues, but are based on Luther experiences.

- **Theft.** Crime statistics do not include general theft. Vulnerable items have included unattended **bicycles** (particularly high value bikes), **backpacks or book bags** left unattended (particularly at the beginning or end of a semester). Although theft from rooms has been limited, virtually all thefts could have been prevented by a simple action—**lock your doors!**
- **Sexual Assault.** Although reports of stranger assault have been extremely limited, common sense dictates that walking alone at night or in isolated areas is not a good practice. Many cases of sexual abuse by acquaintances could be avoided by: good communication between individuals regarding sexual expectations, students practicing restraint in regard to alcohol use, and by peers practicing effective bystander interventions and looking out for their friends as they enter potentially high risk or poor judgment situations.
- **Residence Halls.** Respect your community by reporting strangers and by assisting to keep outside doors tightly shut and locked.
- **Vehicle Vandalism.** Vehicles can be subject to vandalism. Remember to lock vehicles and remove valuables. Report any vandalism to the Campus Safety and Security Office.

Campus Safety and Security is available 24 hours/day. A daily security log (including Security response to criminal activity) is posted in the Centennial Union, outside the Campus Safety and Security Office.

Emergency (ambulance, fire, etc.)

9-911

Campus (Emergency calls only)

563-387-2111

Decorah Police

563-382-3667

Please report any crime to Campus Safety and Security or your residence hall staff as soon as possible! (Written reports should be completed for all incidents.)

Questions may be directed to

Student Life Office

Luther College

Decorah, Iowa 52101

phone: 563-387-1020

Email: students@luther.edu

Annual Campus Crime and Fire Statistics Report (Clery Act)

2016	On Campus: Residence Hall	On Campus: Other	Total On Campus	Non- Campus	Public Property
Criminal Homicide	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
Sex Offenses, Forcible					
-Rape	7	0	7	0	0
-Fondling	4	0	4	0	4
Sex Offenses, Non-forcible					
-Incest	0	0	0	0	0
-Statutory rape	0	0	0	0	0
-Domestic Violence	0	0	0	0	0
-Dating Violence	4	0	4	0	0
Stalking	1	0	1	0	0
Robbery	0	0	0	0	0
Aggravated Assault	1	0	1	0	0
Burglary	5	0	5	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0
Drug Law Arrests	10	0	10	0	0
Weapons Law Arrests	0	0	0	0	0
Liquor Law (Discipline)	68	1	69	0	0
Drug Law (Discipline)	2	0	2	0	0
Weapons Law (Discipline)	0	0	0	0	0
Hate Crimes					
- Gender	0	0	0	0	0
- National Origin	0	0	0	0	0

2015	On Campus: Residence Hall	On Campus: Other	Total On Campus	Non- Campus	Public Property
Criminal Homicide	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0
Sex Offenses, Forcible					
-Rape	3	1	4	0	0
-Fondling	2	0	2	0	0
Sex Offenses, Non-forcible					
-Incest	0	0	0	0	0
-Statutory rape	0	0	0	0	0
-Domestic Violence	0	0	0	0	0
-Dating Violence	0	1	1	0	0
Stalking	0	0	0	0	0
Robbery	0	0	0	0	0
Aggravated Assault	0	0	0	0	0
Burglary	2	0	2	0	0
Motor Vehicle Theft	0	0	0	0	0
Arson	0	0	0	0	0
Liquor Law Arrests	0	4	4	0	0
Drug Law Arrests	15	4	19	0	0
Weapons Law Arrests	0	0	0	0	0
Liquor Law (Discipline)	58	1	59	0	0
Drug Law (Discipline)	2	0	2	0	0
Weapons Law (Discipline)	0	0	0	0	0
Hate Crimes					
- Gender	1	0	1	0	0
- National Origin	1	0	1	0	0

2014	On Campus	Non-Campus	Public Property	Residence Halls
Criminal Homicide	0	na	0	0
Negligent Manslaughter	0	na	0	0
Sex Offenses, Forcible				
-Rape	4	na	0	4
-Fondling	3	na	0	3
Sex Offenses, Non-forcible				
-Incest	0	na	0	0
-Statutory rape	0	na	0	0
Domestic Violence	0	na	0	0
Dating Violence	3	Na	0	2
Stalking	0	na	0	0
Robbery	0	na	0	0
Aggravated Assault	0	na	0	0
Burglary	3	na	0	1
Motor Vehicle Theft	0	na	0	0
Arson	0	na	0	0
Liquor Law Arrests	8	na	0	8
Drug Law Arrests	11	na	0	9
Weapons Law Arrests	0	na	0	0
Liquor Law (Discipline)	89	na	0	88
Drug Law (Discipline)	0	na	0	0
Weapons Law (Discipline)	0	na	0	0
Hate Crimes	0	Na	0	0

This report includes statistics for the previous three years concerning reported crimes that occurred on campus; in certain off-campus buildings or property owned or controlled by Luther; and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning campus security, such as policies concerning alcohol and drug use, crime prevention, the reporting of crimes, sexual assault, and other matters. You can obtain a copy of this report by downloading this PDF or by contacting the Student Life Office.

Crime Statistics

Crime Statistics are tabulated in accordance with The Clery (Campus Security) Act.

Please see below notes and clarifications on crime statistics

Notes and Clarifications on Crime Statistics

- Many crimes go unreported or unnoticed. Crime reports are recorded if official reports are filed and there is reason to believe they are valid. Reports do not suggest conviction, arrests, etc. Classification is based on definitions of UCR (Uniform Crime Statistics) and Iowa IBR (Incident Based Reporting).
- Readers are cautioned that statistics on this campus and others may be difficult to interpret. For example, burglary statistics may not reflect theft of valuable items unless there is unauthorized entry.
- Another category, sex offenses, includes reported "acquaintance rapes." A forcible sex offense is "any sexual act directed against another person, forcibly and/or against the person's will where the victim is incapable of giving consent." and includes forcible rape, forcible sodomy, sexual assault with an object, and forcible fondling. Non-forcible sex offenses are acts of "unlawful, non-forcible sexual intercourse," and include incest and statutory rape.
- Discipline statistics in the report include numbers of students "referred for campus disciplinary action." This is confusing terminology, but a good faith effort has been made by the College to count the number of students who were likely violators of state law (underage) when they were referred to the discipline system.
- Hate crime statistics required by this legislation are to include offenses of criminal homicide, negligent manslaughter, sex offenses, robbery, aggravated assault, motor vehicle theft, arson, and other crime involving bodily injury "that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, religion, sexual orientation, ethnicity, or disability." Some people interpret any sex offense as a hate crime; the reader is left to their own interpretation of federal law in this regard.
- Location definitions:
 - **On-campus, residence halls** refers to campus residential units
 - **On-campus, non residence hall** refers to crimes at campus locations *other* than residential units
 - **Total, on-campus** refers to the combined total of residence halls and non residence halls.
 - **Non-campus** refers to off-campus properties/student residences (such as fraternity houses) over which the college has some control.
 - **Public property** refers to public property that may be directly connected or adjacent to campus property and could be considered to part of campus for security/safety purposes

Luther College Annual Fire Safety Report for the Calendar Year 2016

Fire safety is an important issue on the Luther campus. The material contained in this report outlines the measures taken on campus to both prevent and respond to fires in our residence halls. This information is provided in response to the Higher Education Opportunity Act. The table below illustrates the type of fire safety system in each residential facility at Luther.

Residence Hall	Fire Alarm Monitoring done on site	Partial Sprinkler system	Full Sprinkler System	Smoke Detectors	Fire Extinguisher Devices	Evacuation Plan Placards	Number of evacuation plans each year
Baker Village				X	X		2
Brandt	X		X	X	X		2
College Apts.				X	X		2
Dieseth	X		X	X	X		2
Farwell	X		X	X	X		2
Larsen	X		X	X	X		2
Miller	X		X	X	X		2
Olson	X		X	X	X		2
Norby	X		X	X	X		2
Prairie House				X	X		
Prairie House				X	x		
Prairie House				X	X		
Sustainability House				X	x		
Ylvisaker	X		X		X		2

Fire Safety Information

Policies and procedures related to fire safety are detailed in several documents including the Luther Code of Conduct, the Safety and Security website, and the Residence Life Handbook as well as City, State and Federal Laws. To ensure compliance with established fire safety policy and rules Residence Life Staff does conduct official room safety inspections of the residence halls during each fall, winter and spring break. Inspections may be conducted at other times as well. Any prohibited or unsafe item will be confiscated and appropriate fines levied against those found in violation. (For further information on fines and/or sanctions see the Residence Life Handbook)

Prohibited Possessions

For health and safety reasons certain items are prohibited in the residence halls and other college-owned housing facilities. Prohibited items include, but are not limited to:

- Extension cords, multiple plug adapters, and surge protectors with more than 6 outlets
- Wireless routers
- Candles, incense, oil lamps, halogen torchiere lamps, spider lamps and open flames
- Smoking and illegal drug paraphernalia
- Flammable substances such as gasoline, lighter fluid, mineral spirits, and cleaning fluids
- Live Christmas Trees and/or live holiday greenery and large decorative bulbs
- Motorized vehicles such as motorcycles and mopeds.
- Fireworks, explosives, firearms, ammunition or gunpowder.

Electrical Appliances

Some electrical appliances can create a fire or safety hazard and are not allowed in the residence halls. Prohibited items include:

- Toasters, toaster ovens, and George Foreman type grills
- Microwaves
- Space heaters
- Air conditioners
- Desktop burners and other appliances with an open hotplate or heat coil
- Electric blankets

Residents *are* allowed one refrigerator in each room if it is less than 3.2 cubic feet.

Fire Evacuation Plan

Residents are required to evacuate the building each time there is a fire alarm in the building. Planned fire drills will take place in each hall twice a year so residents will have an opportunity to practice evacuation procedures. Trained hall staff and/or Campus Safety and Security personnel conduct these drills. Whenever the fire alarm sounds complete evacuation is required. Never treat an alarm as if it is false or a prank. Walk to the nearest identified exit and leave the building. Close doors and windows as you exit if you can do so safely. If the identified stairway exit contains smoke, flames or strong fumes choose an alternative route. Continue evacuation even if the alarm stops sounding. Once you are outside the building move away from the structure to the designated evacuation waiting area. Remain in this area until authorized personnel inform you to return to the building.

If you see smoke and or fire and the alarm has not yet been sounded pull the alarm and follow the above evacuation procedures. Once you are safely out of the building contact Campus Safety and Security at x2111 to report the fire. If smoke is present stay low to the ground and check all doors for heat before opening them. If the door is hot to the touch choose an alternative exit.

Take the time to learn the location of fire alarm pull stations, fire extinguishers and evacuation routes prior to any emergency.

Fire Safety Education and Training

Residence Life Staff, Security and other key campus personnel are trained in the operation of fire extinguishers on an annual basis. They are also trained and practiced in evacuation procedures. Residence Life staff includes fire safety information and evacuation procedures with residents as part of the orientation process. Written procedures for evacuation are detailed in the Luther Emergency Procedure Guide and online (<http://www.luther.edu/safety/emergency/>).

Fire Safety Log

Security maintains a fire log that includes the nature, date, time and general location of each reported fire. To ensure the accuracy of this log every fire should be reported to Security and the Residence Life Office. The log below illustrates the reported fire incidents for the 2016, 2015 and 2014 calendar years:

Fire Incidents 2016

Residence Hall	Date of Incident	Time of Incident	Cause of Fire	Number of Injuries	Number of Deaths	Value of Property damage	Total Number of reported fires	Case Number
Baker Village							0	
Brandt							0	
College Apts.							0	
Dieseth							0	
Farwell							0	
Larsen							0	
Miller							0	
Olson							0	
Norby							0	
Prairie House							0	
Prairie House							0	
Prairie House							0	
Sustainability House							0	
Ylvisaker							0	

Fire Incidents 2015

Residence Hall	Date of Incident	Time of Incident	Cause of Fire	Number of Injuries	Number of Deaths	Value of Property damaged	Total Number of reported fires	Case Number
Baker Village							0	
Brandt							0	
College Apts.							0	
Dieseth							0	
Farwell							0	
Larsen							0	
Miller							0	
Olson							0	
Norby							0	
Prairie House							0	
Prairie House							0	
Prairie House							0	
Sustainability House							0	
Ylvisaker							0	

Fire Incidents 2014

Residence Hall	Date of Incident	Time of Incident	Cause of Fire	Number of Injuries	Number of Deaths	Value of Property damage	Total Number of reported fires	Case Number
Baker Village							0	
Brandt							0	
College Apts.							0	
Dieseth							0	
Farwell							0	
Larsen							0	
Miller							0	
Olson							0	
Norby							0	
Prairie House							0	
Prairie House							0	
Prairie House							0	
Sustainability House							0	
Ylvisaker							0	

Luther College also publishes an annual crime report in compliance with the Higher Education Opportunity Act. A written copy of this report is available in Student Life and Security. Questions regarding this Fire Safety Report should be directed to:

Robert Harri
 Director of Safety and Security
 563-387-2103
 harrro01@luther.edu.

I. Policy Statement on Alcohol and Other Drugs

Luther College takes seriously the abuse of alcohol and chemical substances. This includes the illegal use of alcohol, specifically alcohol consumption by individuals under the age of 21. As an educational institution, we place a great deal of responsibility on students who are of legal age to make the decision whether or not to consume alcohol and if they choose to consume alcohol, to do so responsibly. College students also have a great deal of freedom; however, with freedom comes responsibility.

The responsible student will:

- Make an informed decision on choosing to consume alcohol.
- Know, understand, and conform to federal, state, and local laws, and adhere to Luther College regulations on alcohol use.
- Assume accountability for one's behavior (and those of guests) and accept the consequences for all actions.
- Not make alcohol the main focus in his/her activities. Consuming alcohol just to consume or get intoxicated is not responsible use.
- Not pressure other students to consume alcohol, whether directly or indirectly.
- Not pressure other students to engage in sexual activity when either or both of them have been consuming alcohol.
- Not behave in a way that is disruptive or otherwise harmful to self or others including times when this behavior is related to alcohol consumption.
- Show care and concern for students who use alcohol in a manner damaging to themselves or the community, and refer students to the Residence Life Office, Student Life Office, Counseling Service, or any faculty or staff member for additional assistance.

The ultimate definition of responsible personal use is left to the discretion of Residence Life staff. Only students who have attained the legal drinking age of 21 years may possess or consume alcoholic beverages in private living quarters (student rooms, apartments, etc.). Peer pressure to use alcohol will not be tolerated. When in possession of or consuming alcohol, no students under the legal drinking age may be present; in this situation, all students present are at risk of violating the alcohol policy.

Students should note that the possession of alcoholic beverage containers, either full or empty, may be taken as a presumption of use and possession, and as such, may be considered policy violations. Students may also be held accountable, even if they do not have actual possession of alcohol, when they are present at alcohol-related events; commit actions due to alcohol intoxication; or are in "constructive" possession of alcohol (parallel to the Iowa Code on possession) or illegal substances.

Most alcohol policy violations are handled via Informal Administrative Hearings as outlined in the Luther Code of Conduct.

When, in the judgment of a staff person, a student is transported for medical attention or monitoring in response to alcohol or other chemical use, the involved student will be responsible for any costs incurred.

II. Luther Code of Conduct: Statement on Drugs and Drug-Related Paraphernalia

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV of the Code of Conduct: Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law, including the use or possession of drug-related paraphernalia [Article III(B)(18)].

Students should be advised that local police authorities are involved with investigation and prosecution when illegal use or possession is suspected. The typical disciplinary action on campus is detailed in the Point System Grid. If a student is found to be selling drugs, or the evidence on campus suggests distribution of drugs to others, the college employs a “no tolerance” stance.

III. Luther Code of Conduct: Statement on Smoking and Smoking Devices

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV of the Code of Conduct: Smoking of cigarettes, including e-cigarettes, cigars, and other forms of tobacco under the provisions of the Iowa Smokefree Air Act. This act prohibits smoking inside all buildings, outside all buildings, and on all college property including, but not limited to, sidewalks, parking lots and roads (and inside vehicles located on such grounds), athletic fields, and on any other college property. The possession of pipes, hookahs, and other smoking devices is also prohibited, as is the sale or distribution of tobacco products [Article III(B)(20)].

Luther College has long recognized that smoking is a serious health hazard. All members of the Luther community are asked to remind persons who are smoking that we are required to comply with the provisions of the Iowa Smokefree Air Act; the Act stipulates that the campus is entirely smoke-free. Persons who have been reminded and continue to smoke will be reported to Campus Safety and Security; a \$50 citation may be given to individuals after adequate warning. Finally, students, faculty, and staff members may receive information on smoking-cessation programs from the Wellness Program Office.

IV. Luther Code of Conduct: Statement on Alcohol

Any student found to have committed or to have attempted to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV of the Code of Conduct: Use, possession, manufacturing, or distribution of alcoholic beverages (except as expressly permitted by Luther College regulations), or public intoxication. Alcoholic beverages may not, in any circumstance, be used by, possessed by, or distributed to any person under twenty-one years of age. This policy applies to behavior on Luther College premises or at Luther College sponsored or supervised functions [Article III(B)(19)].

The Code of Conduct broadly identifies prohibited behavior with respect to alcohol possession and/or use. Specific interpretations and policy situations with respect to the policy follow:

- The possession, consumption, or sale of alcoholic beverages at any campus event is prohibited. Further, no college or residence hall funds may be expended for the purchase of alcoholic beverages.
- The consumption of alcoholic beverages in the lounges, corridors, and other public areas of the residence halls, as well as in any other college buildings or on any college grounds, is prohibited.
- Students living in residence halls who have reached the legal drinking age in the state of Iowa are allowed to make their own decisions in relation to the possession and consumption of alcoholic beverages in their rooms. However, no kegs or amounts of alcohol in excess of personal use are allowed. Alcohol must be transported to living quarters in closed containers. When in possession of or consuming alcohol, no students under the legal drinking age may be present.
- Students are responsible for their own and their guests' behavior at all times. The use of alcoholic beverages shall not impinge upon the freedom and rights of roommates, residents in neighboring rooms, and other students. All members of the Luther community should assume responsibility for referring persons who need assistance for alcohol-related problems to Student Life professionals. Disruptive, destructive, or illegal behavior related to the consumption of alcoholic beverages is subject to college disciplinary action and/or civil enforcement.
- The alcohol policy includes alcohol-related violations. Students may be held accountable, even if they do not have actual possession of alcohol, when they are present at alcohol-related events; commit actions related to alcohol intoxication (i.e. excessive noise, harassing or disruptive behavior, vandalism); or are in "constructive" possession of alcohol (parallel to the Iowa Code on possession).
- Possession of alcoholic beverage containers, either full or empty, may be taken as a presumption of use and possession, and as such, may be considered policy violations.
- If a student is found to be responsible for an alcohol or alcohol-related violation, specific points will be assessed. The points assigned will be based upon the nature and severity of the violation, and range from minor to severe. With each offense, students are required to have a meeting with a Residence Life staff member, typically a hall director or area coordinator, to review alcohol policies and procedures; the R.A. may attend at the hall director's discretion. If the student does not then complete the disciplinary sanction, the student is subject to an assessment of a point. Other sanctions may be assigned as appropriate. Any violation may be referred to the Luther College Hearing Board for review.

Alcohol and alcohol-related violations include, but are not limited to, the following examples:

- An R.A. confronts students in a room that is excessively noisy and finds students who are drinking. If any of them are underage, it is a clear alcohol violation. If the students are over 21, cooperate about providing IDs, and lower the noise level, it would normally be treated as a noise violation.

- There is a party going on in a room that overflows into the hall or cluster. The alcohol present exceeds "personal use" or there are open containers in the hallways.
- Public intoxication (staggering, slurring of words, vomiting, loss of bodily fluids, etc.).
- Permitting others (students or guests) to use assigned living quarters to consume alcohol in violation of the alcohol policy.
- There is vandalism or damage done to property or other people by a student who evidences alcohol use.
- A student harasses or is abusive to other students or college authorities and there is evidence of alcohol use.
- Promotion of events where alcohol is the primary focus.
- A staff member is present in any area of the residence hall and notices alcohol containers or paraphernalia, regardless if alcohol consumption has taken place.
- Use of false identification in order to consume alcohol and avoid detection by staff or security, or failure to provide identification when requested by a college official.

V. Alcohol-Related Violations: Point System Grid

	Violation	Points	Notes
•	Medical Amnesty / Good Samaritan exemption	0	
A	Use or possession of an alcoholic beverage under the age of 21	1	
B	Being in the presence of alcohol under the age of 21	1	
C	Possession of an open container of alcohol in a non-approved public location	1	
D	Possession of a fictitious or fraudulent ID	1	
E	Guest policy violation	1	
F	Excessive noise	1	
G*	Hosting individuals in room where open containers of alcohol are in the presence of individuals under 21	1	
H*	Missed sanction deadline	1	
I*	Repeated alcohol or other drug violation within 3 months of incident (not including original incident)	1	

	month; points for new incident are assessed and an additional point is added to the total.		
J	Possession of alcohol-related paraphernalia (for example funnels, etc.)	2	
K	Intoxicated individual (signs of internal consumption requiring a response from college or law enforcement official)	2	
L	Being in the presence of drinking games with alcohol	2	
M*	Disruptive behavior (vomiting, loss of bodily functions, etc.)	2	possible law enforcement involvement
N*	Disorderly conduct (failure to comply with college or law enforcement official, arrest for public intoxication, etc.)	2	possible law enforcement involvement
O	Use of a fictitious or fraudulent ID to purchase alcohol	3	
P	Use or possession of hard alcohol (liquor) under the age of 21	3	
Q*	False activation of a fire alarm or tampering with safety equipment	3	fine included
R	Providing alcoholic beverages to a student under the age of 21	4	
S	Possession of marijuana and/or drug paraphernalia	4	law enforcement involvement
T	Acute, emergency medical care when medical amnesty is not available	4	
U*	Engaging in a physical altercation	4	possible law enforcement involvement

V*	Destruction of property belonging to another student, the college, the City of Decorah or other public space or privately owned property	5	
W	Possession of a keg, common source, or large quantities of an alcoholic beverage, regardless of age, on college-owned property	6	
X	Providing hard alcohol, by a legal-aged student, to a student under the age of 21	6	
Y	Unlicensed sale of alcohol to another individual or individuals	6	
Z	Use or possession of illegal drugs other than marijuana	8	law enforcement involvement
AA	Illegal use of prescription medications, including without limitation the use of another's prescribed medications or illegal misuse of personally prescribed or over-the counter medications	8	law enforcement involvement
BB	Distributing illegal drugs (including, but not limited to, marijuana) or other controlled substances (legal, prescription drugs)	9	law enforcement involvement
CC	Operating a motor vehicle under the influence of alcohol and/or other drugs (arrested for)	9	law enforcement involvement
DD	Selling illegal drugs (including, but not limited to, marijuana) or other	10	law enforcement involvement

controlled substances (legal, prescription drugs)

Corollary points are assessed above the base alcohol or other drug points. Such points are identified with an asterisk in the points grid. Incidents not involving alcohol will be assessed the published points.

Corollary Points

For example, a student who has accepted responsibility (or been found responsible) for possession of an open container of alcohol as well as disorderly conduct would be assessed a total of 3 points for the incident.

Other Sanctions

Disciplinary sanctions of suspension or expulsion may be relevant in some cases. Administrative Hearing Officers or the Luther College Hearing Board may also assign other sanctions, including the aforementioned sanctions, depending on the specific circumstances of the situation. That is, sanctions for cases more severe in magnitude can exceed the outcomes published in this grid. All possible sanctions are outlined in the Code of Conduct in the Student Handbook.

Point Forgiveness	<p>Students can be eligible to have a point reduced from their personal points history when they have no further violations of the Luther College Policy on Alcohol and Drugs during the three months following the month of an incident when the college is in session.</p> <p>Students who return after a disciplinary suspension after accumulating 10 or more points would return with 5 points on their personal points history.</p> <p>For example, a student has accepted responsibility (or been found responsible) for a violation during September is assessed 2 points. If the student has no further violations for the remainder of the month of September or during the months of October, November, and December, the student would have one point removed from their points history.</p>
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Accumulated points benchmarks

2	Educational sanction: Campus Clarity alcohol and/or drug program	\$50 Fee
4	Educational sanction: Campus Clarity alcohol and/or drug program + conversation	\$100 Fee
4	*Notification to Parent(s)/Legal Guardian(s), Academic Advisor, Coach,	

Ensemble Director,
Cocurricular Activity Director

5	Ineligible to live off-campus	
6	Educational sanction: Campus Clarity program	\$125 Fee
6	Disclosure of points history to Center for Global Learning	
6	Disclosure of points history and violations when disciplinary record is requested	
7	Evaluation for substance abuse	
7	Decrease in housing priority for next room draw	
8	Educational sanction: to be determined on case by case basis	\$150 Fee
8	Housing relocation/dismissal	
9	Ineligible to have vehicle on campus (when associated with a driving-related violation)	
10	Consideration of a disciplinary suspension or expulsion (to be determined by Luther College Hearing Board).	

*Notifications continue for any points accumulated above 4 points for each occurrence.
*Notifications take place as and to the extent permitted under FERPA (Family Education Rights and Privacy Act).

VII. Alcohol and Other Drugs Policy for Student Groups Traveling Off Campus

Luther College is committed to maintaining a safe and healthy living and learning environment free from alcohol and chemical abuse. Students should understand the importance of maintaining a healthy environment within the student organizations to which they belong. When student groups represent Luther College at official college-sponsored activities off campus, or when students make visits as part of classes off campus (including study abroad programs), they have the responsibility of being positive individual representatives of the college. Whenever groups travel off campus, members should be reminded that they are seen as representatives of Luther College. Membership in student groups recognized by Luther College is a privilege, and each student's actions reflect on our community.

The Luther Code of Conduct specifically outlines jurisdiction for conduct which occurs off campus. The Code of Conduct states: "The Luther Code of Conduct shall apply to conduct that occurs on Luther College premises, at Luther College sponsored programs and activities, and to off-campus conduct that adversely affects the Luther College Community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of initial visit as a prospective student through the actual awarding of a degree, even though conduct may occur before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment, even if his/her conduct is not discovered until after a degree is awarded. The Code of Conduct shall apply to a student's conduct even if the student withdraws from school or is suspended while a disciplinary matter is pending. The Vice President and Dean for Student Life or designee shall decide whether the Code of Conduct shall be applied to conduct occurring off campus, on a case by case basis, at his/her sole discretion."

With this in mind, the college encourages students to develop healthy habits and attitudes related to the use of alcohol and other drugs. Abstinence is always an appropriate option; moderation is acceptable if it does not violate either college policies or the law. The abusive, illegal, or irresponsible use of any drugs will not be tolerated.

It is the responsibility of students to be knowledgeable of the physical and mental effects of alcohol and other drugs and the risks associated with use. It is also the responsibility of students to be aware of other relevant college policies and federal, state, local, and international laws related to alcohol and other drugs use.

In the following policy, "group leader" is defined as the faculty or staff member responsible for the group, such as the instructor, advisor, coach, or music director. The group leader is expected to follow the same guidelines as the group.

Off-Campus Alcohol and Other Drugs Policies and Procedures

- The group leader of each student group will meet with the organization to clarify the approach the group will take on the use and abuse of alcohol and other drugs. This "Alcohol and Other Drugs Policy for Student Groups Traveling Off Campus" will be distributed to all members at that time.

- The following are minimum guidelines, to be followed by every student group that travels off campus. A group or a group leader could develop stricter guidelines for the group to follow. For instance, a group leader may decide that the activity is not compatible with alcohol or other drug use in any way, and may add that to the policy at his/her discretion. In like manner, the students may recommend this action to their group leader. In study abroad programs, these guidelines are subject to host nation laws and cultural customs as identified by the group leader.
- Underage drinking and drug use are illegal and will not be tolerated. Any member who provides alcohol to an underage person or is found to be in possession of illegal drugs will be subject to disciplinary action.

Students who are of legal drinking age are expected to act responsibly and adhere to the following guidelines:

- On the day of an activity, no alcohol or other drug use is permitted during or prior to a performance, event, or activity.
- No alcohol or other drug use is permitted on college vans, buses, or any other means of private transportation associated with the trip, event, or tour.
- Members of legal drinking age are expected to use good judgment if consuming alcohol at private homes, at group meals, or other settings during non-program hours.
- If a group spends the night in a hotel, it is incumbent upon each member to behave responsibly as representatives of the college. No abusive, illegal, or irresponsible use of alcohol and other drugs will be tolerated. Hotel management will be encouraged to deal with disruptive or illegal activities just as they would with other hotel guests, which may include police involvement.
- Members should help one another in dealing with alcohol and other drug abuse, and should discourage one another from drinking to excess. Members who have an alcohol or drug abuse problem should be encouraged to seek counseling and treatment.

Procedures for Off-Campus Alcohol or Other Drugs Violations

For alcohol and/or other drug violations occurring off campus, two separate student conduct processes may be used—either individually or in combination—to address alleged policy violations.

- The student conduct procedures as outlined in the Luther Code of Conduct may be initiated once the student returns to campus and/or, the group leader may, upon discussion and an Informal Administrative Hearing (as specified in the Code of Conduct), immediately impose one or more of the following sanctions at his/her discretion, independent of other college judicial proceedings.
- The student may be suspended from participation in one or more activities during the travel period.
- The student may be immediately dismissed from the tour or event, and may have to travel home at his/her own expense. Underage or illegal use of alcohol or other drugs are grounds for such dismissal.

- The student may be suspended from the group for a specific time period, after returning from the event.
- Other educational sanctions as determined by the group leader, in conjunction with above sanctions.
- The Vice President and Dean for Student Life or his/her designee, and/or the student's parents, may be contacted about the incident, either at the time of the event or upon return to campus.

VIII. Medical Amnesty

Medical amnesty protects a student from policy violations when they are seeking help in an emergency. Medical Amnesty granted by the College for alcohol or drug sanctions will be granted to students who, in good faith, report, or experience themselves, an alcohol or drug emergency that requires acute emergency care (i.e. a transport to the emergency room). However, a student will not be granted protection under this policy if campus officials (e.g., residence life staff, campus safety) intervene beforehand.

Medical amnesty is not viewed as an avenue through which a student may escape responsibility, but rather as an opportunity to reflect on their decision-making process related to their use of alcohol and/or drugs. The goal of amnesty is to increase student awareness of the risks of alcohol or other drug overconsumption and to reduce the instances that require acute emergency care.

The medical amnesty policy is designed to encourage students to seek help in an alcohol or drug emergency without hesitating because of worry about receiving policy violation sanctions from the College. This policy also applies to someone who has been a crime victim, who also may be intoxicated and therefore reluctant to report the crime. If in doubt about a person's safety related to alcohol or drug use, seek help by calling Campus Safety and Security (563-387-2111) or 911.

1. Students may be required to participate in an appropriate alcohol educational program depending upon their involvement in the situation. Failure to comply will invalidate protection under this policy.
2. Records kept as a result of this policy shall not be noted on the student's conduct record as a policy violation. Students involved may still need to meet with residence life staff or other College officials for a review of the incident, but this meeting will not result in disciplinary sanctions from the College.
3. This policy does not preclude disciplinary action regarding other violations of College policy, such as causing or threatening physical harm, sexual violence, damage to property, harassment, hazing, etc. Students should also be aware that this policy does not prevent action by local and state authorities.
4. Nothing in this policy shall prevent an individual who is obligated by state or federal law to do so from reporting, charging or taking other action related to the possible criminal prosecution of any student.

The Medical Amnesty form is available online.

Good Samaritan Statement

Students are encouraged to immediately seek medical or security assistance for students whose health and wellbeing may be at risk due to the overconsumption of alcohol and/or drugs. Taking responsibility for helping a student in need will always be viewed positively in any post-incident follow-up, including those incidents where the “Good Samaritan” and/or the person needing emergency assistance may have violated the College’s alcohol and other drugs policy.

Student Sexual Misconduct Policies and Procedures

I. Policy Statement on Student Sexual Misconduct and Interpersonal Offenses

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 and domestic violence are inconsistent with our educational mission.

Maintaining a safe environment requires that any sexual behavior be consensual. Special emphasis is placed on violence prevention, providing support to those who may have been victimized, and ensuring enforcement of institutional policy and law. The 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.

This policy describes prohibited conduct in which a Luther student is involved, including sexual harassment, sex offenses, stalking, dating violence and domestic violence; identifies resources and support provided to survivors; establishes procedures for reporting alleged incidents; and articulates the College's commitment to preventing violations and responding appropriately when incidents do occur. This policy is an elaboration of the Luther Code of Conduct. Violations of this policy are violations of the Luther Code of Conduct and are subject to the same jurisdiction, regulations, conduct procedures and sanctions as described in the Code of Conduct and/or highlighted below.

The College does not tolerate sexual harassment, sex offenses, stalking, dating violence and domestic violence, regardless of whether the individual engaged in the offensive behavior is a student, faculty member, staff member or visitor to the campus. These behavioral expectations and core values are consistent across the College. However, the College has distinct policies and procedures for the investigation, resolution and remedying of complaints, depending on whether the accused is a student (this policy applies), a staff member (Professional Conduct Policy, [Staff Handbook](#)), or a faculty member (Professional Conduct Policy, [Faculty Handbook](#)). These policies are also available in the Faculty and Staff Handbooks or by contacting a Harassing Conduct Officer. Complaints against non-community members (e.g., visitors to the campus, returning alumni, etc.) should be reported to the Safety and Security Office, who will investigate the incident. Appropriate action, including banning the individual from College property where appropriate, will be implemented.

Luther College encourages students who believe they have experienced sexual harassment, sex offenses, stalking, dating violence and domestic violence to report incidents to appropriate College authorities as described in part IV of this policy. Perpetrators will be subject to strict disciplinary action by the College, up to and including suspension, expulsion, or other appropriate sanctions. Retaliation against an individual who in good-faith brings a complaint, participates in an

investigation or hearing related to allegations, or pursues legal action is prohibited and will not be tolerated.

This policy applies to conduct that occurs on Luther's campus or property and in all College programs and sponsored activities. Non-community members (guests, alumni, vendors, parents, etc.) visiting our campus or participating in College programs or events are also expected to abide by the behavioral expectations set forth here. Conduct that occurs off-campus and not in connection with College programs may violate this policy if the conduct creates a threatening or hostile environment on campus or within a College program, or if the incident causes concern for safety or security of the College's campus.

This policy applies to the individual behavior of students and the collective behavior of student organizations.

This policy applies to sexual and gender-based harassment (including harassment based on sexual orientation), sex offenses (including sexual exploitation), stalking, domestic violence, and dating violence. Please see the College's Discriminatory and Harassing Conduct Policies and Procedures for the College's policy on other forms of discriminatory or harassing conduct.

II. Definitions

Luther College's policy provides the following definitions for purposes of clarity and navigation of the policy. This policy uses the term "sexual misconduct" to refer to all forms of inappropriate sexual communication or behavior, including that which takes the form of sexual harassment, stalking, non-consensual sexual activity, sexual exploitation, dating violence, and intimate partner violence (defined below). This policy also uses the term "complainant" to refer to a person who is the victim/survivor of a violation of this policy and the term "respondent" to refer to a person accused of committing a violation of this policy.

- **Sexual Harassment**
- **Stalking**
- **Non-consensual Sexual Activity**
 - **Non-consensual Sexual Contact**
 - **Non-consensual Sexual Intercourse**
- **Sexual Exploitation**
- **Dating Violence**
- **Domestic Violence**
- **Consent**

A. Harassment

Sexual harassment refers to unwelcome sexual or gender-based conduct. When sexual harassment becomes so severe or pervasive as to interfere with an individual's ability to work, learn or participate in the College's programs, it is called a sexual or gender-based "hostile environment". Harassing conduct can occur in various forms. The following list provides examples of the kind of behavior that may be harassing.

Verbal — such as vulgar or lewd statements, gender-based name-calling, sexually suggestive or graphic comments, or comments that demean a person because of his or her gender.

Physical — such as unwanted rubbing of a person’s back, neck, buttocks or thighs, pinching, sexual gestures, or sexual intimidation through physical means.

Visual — such as exposing another person to unwanted pornographic magazines or videos, or displaying suggestive or lewd pictures.

Communication-based — such as sexually graphic, threatening or vulgar phone calls, social media, email, text messages, chats or blogs.

Or any combination of these.

A determination as to whether a hostile environment has been created depends on the totality of the circumstances, such as the severity of a particular incident, the context in which it occurred, whether the conduct was repeated, whether the conduct was verbal or physical, and whether it was threatening or merely annoying. Luther College reserves the right to discipline offensive conduct that is inconsistent with community standards even if it does not rise to the level of a hostile environment as defined by applicable law. Further, the College encourages students and others to report incidents that concern them even if the incidents are not particularly egregious, as early reporting assists the College to address and correct situations before they become so severe or pervasive as to create a hostile environment.

Luther College also prohibits “quid pro quo” harassment. “Quid pro quo” (or “this for that”) harassment occurs when a person in a position of authority or control links the receipt of some benefit (such as a grade, or the ability to join a group or participate in a program) to another’s submission to unwelcome sexual advances or sexual conduct or requires the other to perform or submit to demeaning or degrading sex or sexually-charged acts. “Quid pro quo” harassment can be expressly stated, but it also can be implied by words, actions or the surrounding circumstances. Examples of “quid pro quo” harassment include:

- The leader of a student organization permits a student to join the group only if the other student allows the leader to watch the student engaged in a sexual act.
- A student in a position of authority disciplines or fires another student who refuses sexual advances or ends a romance.

The above definitions and explanations are provided for educational and illustrative purposes. A person reporting an incident of concern need not worry about which category of sexual misconduct applies to the situation or whether all elements of a particular definition of misconduct have been met. An individual reporting an incident of concern is expected only to relay the facts in good-faith; College representatives trained in responding to sexual misconduct will assist the complainant in determining whether the incident may constitute a violation of this policy. Students should never feel pressured to engage in sexual relationships or activity of any kind with any Luther College faculty or staff member. In fact, Luther College faculty and staff are prohibited from engaging in a dating, romantic, or sexual relationship with students who are

currently enrolled in their courses or who are under their direct supervision in any way. While not strictly prohibited in other situations, any romantic relationship or interaction between faculty or staff and a student is strongly discouraged. If a student believes that a faculty or staff member is behaving in an inappropriate way, the student should report the situation immediately.

B. Stalking

Stalking is 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. Stalking includes, but is not limited to, repeatedly engaging in contact, face-to-face communication, via social media, telephone calls or messages, text messages, emails, letters, the giving of unwanted gifts, threatening or obscene gestures, surveillance, following, trespassing or vandalism.

C. Identifying Harassment in the Community

Luther College is a vibrant academic environment that encourages discussion of competing ideas both inside and outside the classroom and in both formal and informal settings. Some topics may make a person uncomfortable or take a student outside his or her comfort zone. This policy is not intended to ban debate over socially controversial ideas or issues. Rather, it is intended to protect individuals from being subjected to offensive, humiliating or intimidating sexual or gender-based conduct that has no merit in or relevance to the academic setting.

As an example of this distinction, the policy would not prohibit debate concerning the advantages and disadvantages of various religious or social systems' approach to the rights of men versus women, even if some students disagreed with others' views and were offended by statements made. Similarly, this policy would not prohibit controversial figures from speaking on campus even if the individual's viewpoint or speech were offensive to some, nor would this policy prohibit artistic freedom of expression. However, this policy would prohibit a student from yelling obscenities at women as they passed his dorm window. Likewise, this policy prohibits one student from using sexually demeaning language to refer to another student.

D. Non-Consensual Sexual Activity

Non-Consensual Sexual Contact (or attempts to do the same)

Non-consensual sexual contact refers to any intentional sexual touching, however slight, with any object or body part by a person upon another person without consent. Sexual touching includes any bodily contact with the breasts, groin, genitals, mouth, or other bodily orifice of another individual, or any other bodily contact in a sexual manner. Non-consensual sexual contact also includes any disrobing of another or unwelcome exposure from one person to another without consent.

Non-consensual Sexual Intercourse (or attempts to do the same)

Non-consensual sexual intercourse refers to any sexual penetration or intercourse (anal, oral or vaginal), however slight, with any object or body part, by a person upon another person without consent. Sexual penetration includes vaginal or anal penetration by a penis, tongue, finger, or object, or oral copulation by mouth to genital contact or genital to mouth contact.

E. Sexual Exploitation

Sexual Exploitation refers to a situation in which a person takes non-consensual or abusive sexual advantage of another, and situations in which the conduct does not fall within the definitions of Non-consensual Sexual Contact or Non-consensual Sexual Intercourse. Examples of sexual exploitation include, but are not limited to:

- Sexual voyeurism (such as watching a person undressing, using the bathroom or engaging in sexual acts without the consent of the person observed).
- Taking pictures or video or audio recording another in a sexual act, or in any other private activity without the consent of all involved in the activity, or exceeding the boundaries of consent (such as allowing another person to hide in a closet and observe sexual activity, or disseminating sexual pictures without or beyond the limits of the photographed person's consent).
- Sexual Exploitation also includes engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or other sexually transmitted disease (STD) and without informing the other person of the infection; includes administering alcohol or drugs (such as "date rape" drugs) to another person without his or her knowledge or consent; and acts of incest.
- Fee for services (such as collecting financial payments collected for the purpose of sexual acts).

F. Dating Violence

Dating violence refers to violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim/survivor and where the existence of such a relationship shall be determined based on a consideration of factors that include the length of the relationship, the type of relationship and the frequency of interaction between the persons involved in the relationship. This violence can occur in opposite-sex or same-sex relationships.

G. Domestic Violence

Domestic violence refers to physical violence between spouses or former spouses, cohabitating romantic partners or individuals who were formerly cohabitating romantic partners, individuals who share a child in common, or others in a family relationship.

H. Consent

Consent is knowing, voluntary and clear permission by word or action, by all participants to a sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the

activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct.

A person cannot consent if he or she is unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the individual respondent of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why or how” of the sexual interaction). This policy also covers a person whose incapacity results from mental disability or physical restraint.

Consent can't be given in situations where force was used to gain sexual access. Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation and coercion that overcome resistance or produce consent.

Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). Past consent to engage in sexual activity cannot be presumed to be consent to engage in sexual activity in the future. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidenced. Silence or the absence of resistance alone is not consent. A person can withdraw consent at any time during sexual activity by expressing in words or actions that he or she no longer wants the act to continue, and, if that happens, the other person must stop immediately.

Please recall that no person who is underage can ever consent to sexual activity of any kind. Therefore, sexual contact with or behavior toward a minor is prohibited. The age of consent in Iowa is 16. However, federal law criminalizes certain activity (even if consensual) with a person under the age of 18. A person engaging in sexual activity is responsible for ensuring that his/her sexual partner is of legally consenting age. Any sexual contact or activity with a person under the age of consent is necessarily non-consensual for the purpose of this policy and the law. *Any person who believes that any minor may have been abused or subjected to sexual behavior or content of any kind on our campus or by one of our students or employees should report the situation immediately.*

III. Non-Retaliation Assurance

A. Amnesty

To remove barriers to reporting, the College will not pursue potential policy violations of the complainant that may have occurred in the context of an alleged violation of this policy (for example, Policy on Alcohol and Other Drugs). Conversely, the use of alcohol or other drugs will never function as a defense to a violation of this policy.

B. 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. Retaliation includes threats, intimidation, or reprisals. For example, it would be retaliatory to intimidate a witness or to shun a person from a student organization in retribution for the person having made complaints. It would also be retaliatory to use social media as a means to negatively influence the reporting student or witnesses.

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.

Acts of retaliation by students are subject to the standard disciplinary procedure set forth in the Code of Conduct and, in certain cases, may result in suspension. Acts of retaliation by other members of the community, such as faculty or staff, are subject to sanction as set forth in the respective Student, Faculty or Staff Handbooks.

IV. Making a Complaint and the College's Response

Law Enforcement: Any person may call 911, the Decorah Police Department (563-382-3667) or College Safety and Security Office (563-387-2111) for immediate safety assistance. If you or someone else needs help, call for immediate assistance. An individual who has been the victim of the crime is encouraged to, but is not required to, make a criminal complaint with the Decorah Police Department. A complaint to the Decorah Police Department results in a criminal investigation to determine if criminal charges will be filed. Any student who wishes to have support or assistance in filing a criminal complaint should contact the Safety and Security Office, and a College security officer will provide assistance.

A delay in reporting could hinder prosecution at a later time. Therefore, students are encouraged to make a report as soon as possible. In cases involving sexual assault, dating violence, domestic violence, or stalking, the preservation of evidence is critical and must be done properly and promptly. Students can obtain a forensic medical examination by a specially-trained sexual assault nurse examiner at Winneshiek Medical Center, 901 Montgomery Street, Decorah, IA 52101, 563-382-2911. Completing a forensic examination does not require that a police report be filed, and will help preserve evidence in case the student decides at a later date to file a police report. For example, in cases of rape or other forms of sexual assault, it is important not to shower, change clothes and even brush your hair, as physical evidence may be lost. In cases of violence or physical abuse, it is important to document injuries, including by taking photographs.

The College disciplinary process and the criminal process are not mutually exclusive. This means that an individual may pursue both complaint avenues at the same time, and students are encouraged to do so for any act of sexual misconduct that may constitute a crime. If appropriate, the College may postpone temporarily its proceedings so as not to interfere with law enforcement. Additionally, orders of protection and other forms of legal protection may be available to individuals who have experienced or are threatened with violence by another person. Students

interested in seeking a court-issued Order of Protection should contact the Winneshiek County Clerk of Court (Winneshiek County Courthouse, 201 W. Main St., Decorah, IA, 563-382-0603). Luther will abide by all legally issued orders of protection, including denying the restricted person access to Luther's property.

On-Campus "Mandatory Reporting" Resources: An individual may make a complaint to one of the Mandatory Reporting Sources listed below. If the complaint is made verbally, the Complainant may or the Mandatory Reporting Source will follow up with a written complaint document. The College will take responsive action, which may include discipline of the offending student (e.g., suspension, expulsion and so on) in accordance with the College's internal disciplinary procedures according to the procedures listed below.

The following mandatory reporting individuals and offices are specially designated by the College to receive complaints of misconduct and are equipped to follow up on allegations. The College encourages reports to be made directly to the following individuals or offices. These individuals and offices 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:

Harassing Conduct Officers: Andrew Bailey, Main 119, x1697; Kathy Reed, Jenson-Noble 171, x1315, David Bishop, Valdars Hall of Science 344D, x1262; Carol Johnston, Dahl Centennial Union 205B, x1025

Title IX Coordinator: Matt Bills, Main 28, x1189

Student Life Office (*Deans and Student Conduct Coordinator*), Dahl Centennial Union 266, x1020

Hall Directors/Area Coordinators/Resident Assistants, residence halls

Residence Life Office, Dahl Centennial Union 124A, x1330

Safety and Security Office, Dahl Centennial Union 129, x2111 (24 hours, seven days/week)

Because the College takes allegations of sexual misconduct very seriously, we expect faculty and staff to report all allegations to the Title IX officer. However, if a complaint is made to another individual or office, the Complainant risks the possibility that the alleged Code of Conduct violation will not come to the attention of proper College officials and may, therefore, not be acted upon. Individuals with complaints are therefore encouraged to report directly to one of the Mandatory Reporting Sources above. An individual may make a report to a Mandatory Reporting Source and request that the College take no investigatory or disciplinary action. The College endeavors to comply with complainants' wishes with respect to whether responsive action is taken. However, that is not always possible. If a complainant requests that no action be taken against the accused (i.e., no investigation or disciplinary action), the College decision as to whether the request can be granted will depend on the seriousness of the offense, whether there was a single accused or multiple in the incident, whether there is reason to believe that the accused has engaged in this or similar conduct previously, whether the circumstances suggest an ongoing or

future risk to the campus community or the complainant, and similar considerations. A decision will be made and shared with the complainant.

Similarly, a complainant may desire to have investigatory and/or disciplinary action taken, but may wish to have his/her identity as the complainant kept confidential. Depending on the circumstances, this may or may not be possible. If any number of people could have reported the incident, it may be possible for the complainant's identity to remain confidential and not shared with the respondent. However, in other cases, it may not be possible to proceed with investigatory or disciplinary action without revealing the identity of the complainant. If a complainant requests that his/her name be kept confidential (or if the complainant makes an anonymous complaint), the College's ability to respond to the complaint may be limited. The appropriate Student Life administrators will discuss the situation and the complainant's request for confidentiality, and a decision and rationale will be made and shared with the complainant prior to any further disclosure.

The College retains the right to act upon any information that comes to its attention.

A complainant who desires emotional support only in a confidential setting is encouraged to contact one of the confidential resources listed below.

B. Confidential Resources. Students may wish to seek confidential counseling or support.

On Campus Confidential Resources: The following on-campus individuals are designated as confidential resources; they will seek to maintain information received as private and will not share confidential information with College officials or others, unless required to do so by law. This means that information shared with these individuals does not result in an investigation or remedial action. A student who wishes to have the College take responsive action should make a report to a Mandatory Reporting source (see above):

Campus Pastors/Catholic Chaplain, College Ministries, Center for Faith and Life, x1040

College Licensed Mental Health Counselors, Counseling Service, Larsen Hall, x1375

College Nurses/Physicians, Health Service, Larsen Hall, x1045

Decorah Area Confidential Resources: Students may also choose to seek out confidential counseling or support off campus. Information shared with these resources is not reported to the College. Resources include:

Winneshiek Medical Center, 901 Montgomery St., Decorah, 563-382-2911

Riverview Center Sexual Assault Hotline, 563-380-3332

Helping Services for Northeast Iowa, 563-382-2989

Decorah Police Department, 400 Claiborne Dr., Decorah, 563-382-3667

C. Timeframe for Making a Complaint

While there is no time limit for bringing forward a complaint, the passage of time may make an incident difficult or even impossible to investigate fairly or fully and to adjudicate. Therefore, students are encouraged to make a complaint as soon as possible after the incident has occurred. Although not an ideal situation given the passage of time, a former student may make a complaint against a current student. However, the reverse is not true: the complaint of a current student against a former student is not subject to adjudication pursuant to this policy. Nevertheless, officials will help the complaining student to report the allegations to the appropriate off-campus law enforcement authorities.

D. Interim Actions

As appropriate, Luther will implement initial remedial and responsive actions upon notice of alleged violation of this policy. Such actions are determined by the context of the situation and will be based upon ensuring the student who filed the complaint has full access to their educational resources. A survivor need not necessarily pursue disciplinary or other action against the perpetrator in order to have access to remedial measures.

Luther is obligated to comply with a student's reasonable request for a living and/or academic situation change following an alleged sex offense.

Remedial actions may include, but are not limited to:

- No contact order
- Room change for involved students; the accused student may be required to be moved
- Assistance with arrangements for academic work (extended deadlines, rescheduled exams, etc.)
- Change in course section or classroom location
- Taking an incomplete in a course
- Change in work-study assignment or location
- School-sponsored travel-related considerations (riding on a different bus, staying at a different hotel (or overnight lodging location, etc.)
- Limited or removal of access to specific campus buildings and facilities
- Providing safe ride or other movement-related support
- Increase monitoring of areas on campus

A member of the Student Life Office, in consultation with the Title IX Coordinator, shall determine any interim measures. The Title IX Coordinator may also determine and implement interim measures.

Factors that will be considered when determining appropriate interim measures include:

- **Specific need expressed by the complainant**
- **Age of the students involved**

- **Severity or pervasiveness of the alleged behavior**
- **Any continuing effects on the complainant**
- **Whether the complainant and respondent share the same residence hall, class, transportation, or job location**
- **Whether other judicial measures have been taken to protect the complainant**

E. The College's Response

1. Complaints of sexual harassment, sex offenses, stalking, domestic violence, and domestic violence may be made by students, faculty members, staff members, or non-community members to one of the Harassing Conduct Officers, a Vice President or Dean, the Human Resources Office, a Residence Life staff member, or the Campus Safety and Security Office. The process, from complaint through investigation and hearing will generally be completed within 60 days. Both parties will be notified simultaneously if any modifications are made to the timeline.

2. Sexual harassment, sex offenses, stalking, domestic violence, and domestic violence is a violation of the Luther Code of Conduct. The Code of Conduct outlines the procedures for addressing complaints against students including a description of the rights of Complainants and Respondents, student code authority and policy jurisdiction, prohibited behaviors, conduct procedures, possible sanctions, interim suspension, and the appeals process. Allegations of a violation of the Sexual Misconduct and Interpersonal Offenses cases are handled in a manner similar to the process outlined in the Code of Conduct.

3. Additional procedures related to addressing complaints of sexual harassment, sex offenses, stalking, domestic violence, and dating violence follow:

a. The College will provide written notification of available resources, options for interim and protective measures, and the student's rights and options. Each party will be permitted to have an advisor/support person (who may be an attorney at the parties' own expense) present during all meetings with college officials. The advisor may not attend meetings without the advisee being present, and the College will direct all communications to the advisee. Although the College will attempt to accommodate schedules of advisors, meetings may not be unduly delayed simply because an advisor could not be present. The College reserves the right to dismiss disruptive advisors.

b. Complaints will be promptly investigated. For most complaints, investigations will be done by the Student Conduct Coordinator or a Harassing Conduct Officer if the Respondent is a student, and by a representative of the Human Resources Office or a Harassing Conduct Officer if the Respondent is a faculty or staff member.

c. If the Respondent is a student, the person investigating the complaint will prepare a written fact-finding report in consultation with the Title IX Coordinator. The investigation will generally include, at a minimum, separate interviews of the Complainant and the Respondent. The investigator will also gather and review other evidence as deemed necessary. The College

endeavors to complete investigations within 21 days of the date the complaint is filed. Occasionally, a particular situation may require additional investigation time.

d. The Student Conduct Coordinator in consultation with the Title IX Coordinator shall, based on the available evidence including the fact-finding report and the information gathered by the investigator, make an initial determination that the charges either do or do not appear to have merit. They may at their discretion conduct additional investigations and/or institute a formal hearing before the Luther College Hearing Board (hereafter, "Hearing Board"). Ordinarily, the initial decision regarding the charges is reached within 7 class days of the date the investigation is complete.

e. If the charges do appear to have merit, the Student Conduct Coordinator may resolve the charges administratively by mutual consent of the parties involved on a basis acceptable to the Title IX Coordinator. Such disposition shall be final, and there shall be no subsequent proceedings.

f. If the charges do appear to have merit and cannot be resolved administratively, a formal hearing is held in a manner specified in the Code of Conduct for the Hearing Board. Before the hearing takes place, the Student Conduct Coordinator will meet with each party, who may:

- Review investigation materials and object to any evidence that is irrelevant or unduly prejudicial
- Submit a clarifying statement in response to those materials
- Suggest witnesses to testify at the hearing
- Review a list of potential Hearing Board members and object to any who may have a conflict of interest

This review period is typically concluded within 14 days.

g. The complaint will be heard by the Hearing Board, as detailed in Article IV (Code of Conduct Procedures) in the Student Handbook. At least seven members of the Hearing Board must be present for each hearing with at least one faculty member, one student and the Student Conduct Coordinator or Student Life Division representative; a simple majority vote is sufficient for reaching a decision. The Student Conduct Coordinator does not vote in the finding phase of the deliberation and only votes on a sanction in case of a tie. The Title IX Coordinator is an ex officio member of the hearing board and is present only to observe; that is, the Title IX Coordinator does not have a vote in either stage. Ordinarily, a hearing will be scheduled within 15 class days of the completion of the investigation.

All members of the Hearing Board and the Appeals Board receive mandatory annual training that includes information regarding:

- How to weigh evidence and determine relevance
- Questioning witnesses and relevant parties
- General procedural guidelines for hearings
- Avoiding actual or perceived conflicts of interest

h. The Complainant and the Respondent will be permitted to each have an advisor of their choice present during the hearing at their own expense. The advisor will not participate directly in the hearing.

i. The Complainant and the Respondent will have an equal opportunity to offer witnesses and evidence.

4. A complaint will be resolved as follows:

a. The charges may be resolved administratively (including the imposition of sanctions), by mutual consent of the parties involved, on a basis acceptable to the Student Conduct Coordinator and Title IX Coordinator. Administrative resolutions may not be appealed.

b. The Hearing Board may find that the Code of Conduct/Student Sexual Misconduct and Interpersonal Offense Policy has been violated. The Hearing Board will determine and may impose disciplinary sanction(s) as outlined in the Code of Conduct and/ or take other appropriate action. The Title IX Coordinator shall provide sanction guidance to the Hearing Board.

c. The Hearing Board may find that the Code of Conduct/Student Sexual Misconduct and Interpersonal Offense Policy was not violated; the complaint will be dismissed.

d. The Hearing Board may conclude that information about the case was insufficient to establish a violation; the complaint will be dismissed. Please note that the standard of proof that applies to a Hearing Board proceeding is a “preponderance of the evidence” standard (which means a determination of “more likely than not”).

e. Ordinarily, the Hearing Board will issue its decision within 7 days of the hearing.

5. Complainants and Respondents will be notified in writing simultaneously about the Hearing Board decision, with an explanation of the rationale for the decision, including how the evidence was weighted, how information supports the result, and a description of how the standard of evidence was applied. To appeal a decision reached by the Hearing Board, please refer to the entire appeals process as described in the Code of Conduct. Please note that appeals shall be made in writing and shall be delivered to the Student Conduct Coordinator or his/her designee within seven days of receiving the decision. A decision reached administratively by the Student Conduct Coordinator, a decision reached by the Hearing Board, and/or a sanction imposed by either the Student Conduct Coordinator or Hearing Board may be appealed by the Respondent(s) or Complainant(s) to the Campus Appeals Board within 7 days of notification of the decision. Such appeals shall be in writing and shall be delivered to the Student Conduct Coordinator or his/her designee. The entire appeals process is described in the Code of Conduct.

F. Sanction Statement

- Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Contact (where no intercourse has occurred) will likely receive sanctions ranging from

probation to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.*

- Any student found responsible for violating the policy on Non-Consensual or Forced Sexual Intercourse will likely face a recommended sanction of suspension or expulsion.*
- Any student found responsible for violating the policy on sexual exploitation or sexual harassment will likely receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous campus conduct code violations.*
- Suspensions will in most cases range from a minimum of one semester to a maximum of five years and students must complete any additional applied sanctions prior to seeking readmission. The readmission process requires students to notify the Student Life Office of their interest to return. Students must write a formal letter seeking readmission, addressing what they have done while on suspension – including completed sanctions, reflections on what they have learned while away and how they plan to return to the community and live in accordance with established policies.

*The conduct body reserves the right to broaden or lessen any range of recommended sanctions in the case of serious mitigating circumstances or egregious behavior. Neither the initial hearing officers nor any appeals body or officer will deviate from the range of recommended sanctions unless compelling justification exists to do so.

G. Statement of Student Rights

A Student Who Reports a violation of this 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.

A Student Respondent of a violation of this policy is entitled:

- To be treated with respect by college officials.
- To take advantage of campus support resources.
- To have an advisor present during the investigation process, including interviews and meetings with college officials.
- To have an advisor during a Luther College Hearing Board hearing in accordance with the Luther College Code of Student Conduct.
- 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 irrelevant prior sexual history disallowed in a Luther College Hearing Board hearing.
- To refuse to have an allegation resolved through informal resolution procedures.
- To be heard in accordance with the Luther College Code of Student Conduct.

H. Administration of this Policy

The College's Title IX Coordinator is responsible to ensure the College's compliance with this policy. Any questions or concerns about the administration of this policy or any person's failure to adhere to this policy, please contact the Title IX Coordinator, Main Building 28, x1189.

Inquiries and complaints may be made externally to:

Office for Civil Rights (OCR)
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-1100
Customer Service Hotline #: 800-421-3481
Facsimile: 202-453-6012 TDD#: 877-521-2172
Email: OCR@ed.gov
Web: <http://www.ed.gov/ocr>

Update approved by Campus Life Committee, May 2013
Reviewed and updated by Legal Counsel, August 2014
Violence Against Women Act (VAWA) required updates, September 2016

Some aspects of this policy were adapted from policies of Colgate University, NCHERM, ATIXA and the University System of Ohio.