

STUDENT HANDBOOK

Luther College | 2023-2024 Academic Year

The Luther College Student Handbook is a collection of student conduct standards, policies, and procedures that define community expectations for students at Luther. It also serves as an important resource for students, highlighting a wide variety of topics related to life on the Luther campus.

It is the responsibility of each student to become familiar with the Student Handbook. Students must also become familiar with other official publications including, but not limited to, the Academic Catalog, Emergency Procedure Guide, and other important documents pertaining to student rights and responsibilities.

The Campus Life Board is a campus-wide body composed of students, faculty, and staff. Faculty delegate this group to plan and define college policies about student engagement and welfare on campus. The Campus Life Board works in conjunction with members of the Office of Student Engagement to ensure an effective implementation of college policies and procedures.

The policies and statements included in the Student Handbook are not a contract and the college reserves the right to deviate from the policies and statements as deemed necessary from time to time.

Questions regarding the Luther College Student Handbook and related policies and procedures should be directed to: Office of Student Engagement, Dahl Centennial Union 2nd floor, Suite 266, 563-387-1020, students@luther.edu.

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Alcohol and Other Drugs

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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 their 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, Office of Student Engagement, 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 Engagement 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	Medical Amnesty Form
A	Use or possession of an alcoholic beverage (see S for hard liquor) 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	Failure to complete the new-student online educational program on alcohol, drugs, healthy relationships and bystander intervention. Fall deadline is September 30. Spring deadline is February 28.	1	
H	Possession of alcohol containers under the age of 21 (for example: cans, bottles, shot glasses, flasks, funnels, etc.)	1	May include prohibited item fine
I	Being in the presence of high-risk drinking (such as drinking games with alcohol, bongs, funnels)	1	May include prohibited item fine
J	*Hosting individuals in room where open containers of alcohol are in the presence of individuals under 21	1	
K	*Missed sanction deadline	1	
L	*Repeated alcohol or other drug violation within 3 months of incident (not including original incident month); points for new incident are assessed and an additional point is added to the total	1	
M	*Use of a smoking device (e-cigarette, vaporizer, etc.) or smoking tobacco on college-owned property	1	
N	Intoxicated individual (signs of internal consumption including disruptive behavior requiring a response from college or law enforcement official)	2	

O	*Disruptive behavior (vomiting, loss of bodily functions, excessive noise, or deemed disruptive behaviors, etc)	2	Possible law enforcement involvement
P	*Disorderly conduct (failure to comply with college or law enforcement official)	2	Possible law enforcement involvement
Q	Being in the presence of an illegal drug substance citation (such as marijuana)	2	Possible law enforcement involvement
R	Use of a fictitious or fraudulent ID to purchase alcohol	3	
S	Use or possession of hard alcohol (liquor) under the age of 21	3	
T	*False activation of a fire alarm or tampering with safety equipment	3	Fine included
U	Hosting an event with high-risk drinking (such as drinking games with alcohol, bong, funnels)	4	May include prohibited item fine
V	Providing alcoholic beverages to a student under the age of 21	4	
W	Use or possession of marijuana and/or drug paraphernalia	4	Law enforcement involvement
X	Acute, emergency medical care when medical amnesty is not available	4	
Y	*Engaging in a physical altercation	5	Possible law enforcement involvement
Z	*Destruction of property belonging to another student, the college, the city of Decorah or other public space, or privately owned property	5	
AA	Possession of a keg, common source, or large quantities of an alcoholic beverage—regardless of age—on college-owned property	6	
BB	Providing hard alcohol, by a legal-aged student, to a student under the age of 21	6	
CC	Unlicensed sale of alcohol to another individual or individuals	6	
DD	Use or possession of illegal drugs other than marijuana or drug-making ingredients/materials	8	Law enforcement involvement
EE	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

FF	Distributing illegal drugs (including, but not limited to, marijuana) or other controlled substances (legal, prescription drugs)	9	Law enforcement involvement
GG	Operating a motor vehicle under the influence of alcohol and/or other drugs (arrested for)	9	Law enforcement involvement
HH	Selling illegal drugs (including, but not limited to, marijuana) or other controlled substances (legal, prescription drugs)	10	Law enforcement involvement
*Corollary Points	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. 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. Corollary points may also be assessed without a base charge.		
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	<ul style="list-style-type: none"> 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. Students who return after a disciplinary suspension after accumulating 10 or more points will return with 5 points on their personal points history. An 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. 		
Accumulated points benchmarks			
2	Educational sanction: Educational alcohol and/or drug program	\$50 Fee	
4	Educational sanction: Educational alcohol and/or drug program + conversation	\$100 Fee	
4	*Notification to parent(s)/legal guardian(s), academic advisor and/or department chair, coach, ensemble director, or designee		
6	Educational sanction: Educational program	\$125 Fee	
6	Possible 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 and take place as and to the extent permitted under FERPA (Family Education Rights and Privacy Act).		

VI. 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 their 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 their 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 Dean of Student Engagement or designee shall decide whether the Code of Conduct shall be applied to conduct occurring off campus, on a case by case basis, at their 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 their 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 their 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 their 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 Dean of Student Engagement or their 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.

VII. Medical Amnesty/Good Samaritan Policy

Students should immediately seek assistance for students whose health and wellbeing may be at risk due to the overconsumption of alcohol and/or drugs. 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 violations from the College. Therefore, Medical Amnesty will be granted to students who, in good faith, report, or experience themselves, an alcohol or drug emergency that requires evaluation for emergency care (e.g., seeking hall staff or security for assistance, emergency medical services, transport to the emergency room). Medical Amnesty does not apply when the individual suffering from the alcohol or drug emergency is discovered by a college official (e.g., residence life staff, campus safety & security).

1. Students seeking Medical Amnesty must submit the required form within one week of the incident. A link to the form will be provided to the student along with a meeting request.
2. 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.
3. 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.
4. 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.
5. 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](#).

This policy also applies to someone who has been a crime victim, who also may be intoxicated and therefore reluctant to report the crime.

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 educational programs following 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.

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. Please seek help by calling Campus Safety and Security (563-387-2111) or 911.

Last Reviewed: August 2022

Bias Incident, Hate Act, Hate Crime, Discrimination, and Harassment Policy and Procedures

I. Policy Statement on Bias Incidents, Hate Acts, Hate Crimes, Discrimination, and Harassment

Luther College is committed to creating and maintaining an atmosphere where all members of the community—students, faculty, staff, and visitors—are treated with respect and dignity.

It is the policy of Luther College to provide equal educational opportunities and equal access to facilities for all qualified persons. The college does not discriminate in employment, educational programs, and activities on the basis of, or a person's association with, a person(s), age, color, creed, disability, gender identity/expression, genetic information, national origin, race, religion, sex, sexual orientation, political affiliation, veteran status, or any other basis protected by federal or state law. This commitment includes the provision of a campus environment that is free from discrimination and harassment. The college will not tolerate any form of discrimination or harassment and will not condone any actions or words that constitute such.

This policy describes prohibited bias incidents, hate acts, hate crimes, discrimination, and harassment, identifies resources and support provided to individuals who may have experienced such conduct, and establishes procedures for reporting and adjudicating incidents. This policy is an elaboration of the Luther Code of Conduct. A bias incident, hate act, hate crime, discrimination, or harassment is violation of the Luther Code of Conduct and is subject to the same jurisdiction, regulations, conduct procedures, and sanctions as defined in the Code of Conduct and/or highlighted below.

All members of the Luther College community are accountable for compliance with this policy. The College is committed to eliminating bias incidents, hate acts, hate crimes, discrimination, and harassment, wherever they occur in the college community, by taking corrective action as a result of violations of this policy. Violations may lead to disciplinary action up to and including separation from the college.

Violations of this policy may impact an individual(s) and/or the Luther College community. After receiving a report of an alleged violation of the Bias Incident, Hate Act, Hate Crime, Discrimination, and Harassment Policy, the College will determine the appropriate next steps in accordance with our policy. In most cases the College will allow the complainant to determine if and when to initiate the student conduct process or other relevant process. However, in instances where extensive harm has occurred or there is risk to an individual(s) or the campus community, Luther may proceed with the student conduct process with the College serving as the complainant.

Acts of harassment that are not discriminatory or motivated by bias are not covered by this policy, but instead fall under the student [Code of Conduct](#). Luther College maintains a separate [Student Policy on Sexual Misconduct and Interpersonal Offenses](#) that governs incidents of sexual and gender-based harassment and contains information on reporting resources, policy definitions, and processes.

II. Definitions

Bias Incident

A bias incident is a verbal, written, or physical behavior that threatens, intimidates, or marginalizes individuals or groups motivated by bias against a protected class and lacks a reasonable relationship to an educational, political, and/or artistic end. A bias incident can occur whether the behavior is

intentional or unintentional and may or may not be an illegal act. In identifying a bias incident, the focus is on behavior that impacts an individual (or individuals) or the Luther College community. Not every behavior rises to the level of a policy violation and yet should be addressed as the behavior is inconsistent with our values. The determination whether an incident rises to a policy violation is dependent upon the behavior and context in which it occurred.

Hate Act

A hate act involves (1) violence, threat of violence, or actions that are likely to incite violence, or other serious violations of college policy that are (2) motivated by bias against a protected class, and (3) have the purpose or reasonably foreseeable effect of harassing, dehumanizing, or intimidating those persons or groups.

Hate Crimes

Hate crimes are defined and adjudicated by federal, state, and local governments. The U.S. Federal and Iowa State Codes follow below. Luther College encourages complainants to file reports with local police and to press charges if warranted. However, the decision of whether to do that rests entirely with the complainant. If the complainant does decide to work with local law enforcement, Luther College will invite law enforcement officers to our official interview with the complainant, so as to minimize the number of times the complainant needs to recall the incident. Once initiated, the legal process and the on-campus conduct processes function separately.

U.S. Federal Code § 249(1) Offenses involving actual or perceived race, color, religion, or national origin.—Whoever, whether or not acting under color of law, willfully causes [bodily injury](#) to any person or, through the use of fire, a firearm, a dangerous weapon, or an [explosive or incendiary device](#), attempts to cause bodily injury to any person, because of the actual or perceived race, color, religion, or national origin of any person, gender, sexual orientation, gender identity, or disability of any person.

Iowa Hate Crime Code Iowa Code § 792A.2 “Hate crime” means one of the following public offenses when committed against a person or a person’s property because of the person’s race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability, or the person’s association with a person of a certain race, color, religion, ancestry, national origin, political affiliation, sex, sexual orientation, age, or disability. Assault in violation of individual rights under section 708.2C. 2. Violations of individual rights under section 712.9. 3. Criminal mischief in violation of individual rights under section 716.6A. 4. Trespass in violation of individual rights under section 716.8, subsections 3 and 4. 92 Acts, ch 1157, §9

Discrimination

Discrimination occurs when an individual is treated adversely because of membership in one of the legally protected groups under federal, state, or local law. Discriminatory practices based on bias against a person’s age, color, creed, disability, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status are prohibited.

Harassment

Harassment occurs when unwelcome conduct based on an individual’s membership in a protected group unreasonably interferes with the individual’s work or educational environment. It includes verbal, visual, or physical conduct that has become so severe and pervasive that it has the purpose or effect of unreasonably interfering with an individual’s work or educational performance or creating an intimidating, hostile, or offensive working or educational environment. A determination as to whether harassment has occurred 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.

Examples of prohibited conduct:

Prohibited conduct may include, among other things, making offensive or derogatory remarks, telling racist or sexist jokes about another person's age, color, creed, disability, gender identity/expression, genetic information, national origin, race, religion, sex, sexual orientation, political affiliation, or veteran status, or membership in another protected class.

Additional examples of prohibited conduct that might be found to be a bias incident, hate act, hate crime, discrimination, or harassment include degrading, public tirades from a student, faculty, or staff member; deliberate, repeated humiliation, including deliberate humiliation on the basis of one of Luther's protected classes; deliberate interference with the life or work of a person with a disability; deliberate desecration of religious articles or places; repeated unwanted proselytizing; repeated interference with the reasonable pursuit of religion; repeated insults about loss of personal and professional competence addressed to an older person; using a racial, ethnic, or other slur directly toward someone, to identify someone, or to target someone such as leaving a message on a door; imitating someone with any kind of disability, or imitating someone's cultural norm or practice; drawing or creating pictures that imitate, stereotype, or belittle/ridicule someone because of their association (real or perceived) with one of Luther's protected classes; racist or derogatory graffiti or images/drawings; vandalizing the personal property of someone who is a member of one of Luther's protected classes.

Prohibited conduct may occur through:

- Direct oral expression and/or physical gestures or actions;
- Notes, letters, and other forms of written communication distributed via U.S. mail, campus mail, or otherwise made visible to the public;
- Phone calls, phone messages, or other forms of electronic verbal communication;
- Email, text messages, instant messaging, social networks, or other means of electronic communication.

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. Good faith reports of violations of Luther College policy will generally not be considered retaliatory.

Luther College strictly prohibits retaliation by any student, staff, or faculty member 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 Faculty or Staff Handbooks.

Interim Actions

As appropriate, the College 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 complainant need not necessarily pursue disciplinary or other action against the perpetrator in order to have access to remedial measures.

A member of the Office of Student Engagement, in consultation with the Vice President for Institutional Equity and Inclusion and Student Success, shall determine any interim measures. The Vice President for Institutional Equity and Inclusion and Student Success may also determine and implement interim measures.

III. Resources and Support Services/How to Report Bias Incidents, Hate Acts, Hate Crimes, Discrimination, or Harassment

Luther College will make every effort to safeguard the identities of students and Luther College community members who seek help and/or report complaints of bias incidents, hate acts, hate crimes, discrimination, or harassment. While steps are taken to protect the privacy of individuals involved, the college may need to investigate an incident and take action once an allegation is known, whether or not the complainant chooses to pursue a complaint. Files related to complaints of bias incidents, hate acts, hate crimes, discrimination, or harassment will be kept confidential to the extent possible, consistent with the need for a thorough investigation.

On-Campus Confidential Resources. Students and other Luther College community members who feel they may have been the victim of any form of bias incident, hate act, hate crime, discrimination, or harassment may wish to seek confidential counseling or support. The following 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:

- Campus Pastors/Catholic Chaplain, College Ministries, x1040
- College Licensed Mental Health Counselors, Counseling Service, x1375
- College Nurses/Physicians, Health Services, x1045

On-Campus Reporting Resources. The privacy of all parties will be honored to the extent allowed and which provides for an appropriate investigation. The following individuals and offices are specially equipped to follow up on allegations of bias incidents, hate acts, hate crimes, discrimination, or harassment. These individuals and offices will receive reports with respect for the privacy of those allegedly involved in the incident:

- Chief Equity and Inclusion Officer, Presidential Suite, Dahl Centennial Union, x1001
- Center for Intercultural Engagement and Student Success, Dahl Centennial Union, x1014
- Office of Student Engagement, Dahl Centennial Union, x1020
- Director of Residence Life, Dahl Centennial Union, x1330
- Hall Directors/Area Coordinators/Resident Assistants, residence halls
- Safety and Security Office, Dahl Centennial Union, x2111 (24 hours, seven days/week)
- Disability Services Officer, Preus Library, x1270
- Title IX Coordinator, Main Building 30, x1825
- Harassing Conduct Officers: Erin Flater, Valders 272C, x1632; Ben Moore, Center for the Arts 107, x1112; Freeda Brook, Preus Library 220B, x2124; Jeff Leschensky, Center for Faith and Life 103, x1538

Bias Incident Report Form

Concerned individuals may report an incident via the online [Bias Incident Report Form](#); anonymous reports are permitted. If a reporter identifies an affected individual(s), a member of the Bias Incident Response Team will meet with the individual(s) to gather more information and discuss options to aid them in moving forward. Though the College may elect to pursue a complaint, deference is usually given to the complainant's decision when they do not wish to proceed with a formal complaint.

Bias Incident Response Team

The Bias Incident Response Team reviews and provides response options and referrals to support resources when a bias incident, hate act, or hate crime has occurred on campus. The team meets monthly to review reports and actions as well as when needed. An individual (or individuals) who report an incident shall receive an initial response from a college official. The team members include:

- Dean of Student Engagement
- Chief Equity and Inclusion Officer
- Vice President for Institutional Equity and Inclusion and Student Success (Lisa Scott)
- Associate Provost
- Assistant Dean and Director of Residence Life
- Director of Human Resources
- Title IX Coordinator
- Director of Campus Safety and Security
- Elected faculty representative from the Faculty Interest Committee

In its role, the Bias Incident Response Team reviews reports and makes determinations for immediate response(s) and referrals to the appropriate college officials and processes. The team does not investigate incidents or make findings of fact regarding an incident, nor does the team have authority to apply disciplinary sanctions. Members of the team shall consult with respective team members and/or other college officials about coordinating and documenting responses. Each semester the team shall provide a report to the community regarding reported incidents that occurred during the previous semester. The team additionally shall recommend educational and other initiatives that positively foster an open, inclusive campus climate.

Decorah Area Resources. Students and other Luther College community members may also choose to seek out support or advice off campus. Resources include:

- Decorah Police Department, 563-382-3667
- Decorah Human Rights Commission, 563-382-3651

IV. The College's response when a report has been made

1. Students who have experienced an alleged bias incident, hate act, hate crime, discrimination, or harassment are strongly encouraged to contact one of the officials listed above or submit a report using the online [Bias Incident Report Form](#); anonymous reports may be submitted using this form. Students may also report alleged crimes to the Decorah Police Department. Luther College can assist students with making such reports. If the reporter does not wish for any formal action to be taken and there is no present threat to the community, the incident will be documented for statistical purposes and monitored for evidence of a concerning pattern of behaviors or other factors.

A report becomes a complaint when the complainant decides to initiate the student conduct process or Luther College assumes the role of complainant. An investigation does not seek to determine what happened, assess credibility, or determine responsibility, but simply focuses on

gathering relevant evidence and information.

If the individual decides to file a complaint with a college official, a written summary will be completed by the complainant or the receiving official in conjunction with the complainant. The summary shall include the following information: name, address, and phone number of the complainant; name of the respondent (if known); names of any witnesses (if known); nature of the complaint; date(s) and location(s) of the alleged incident(s); evidence on which the complaint is based. The address and phone number of the complainant will be kept private.

2. Bias incidents, hate acts, hate crimes, discrimination, and harassment are violations of the Luther College Student [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 of conduct procedures, proscribed conduct, possible sanctions, interim suspension, and appeals process.
3. Additional procedures related to managing complaints of bias incidents, hate acts, hate crimes, discrimination or harassment follow:
 - a. If the Respondent is a faculty or staff member, the respective [faculty](#) or [staff](#) handbook will outline the processes and procedures. If the Respondent is a student, the Code of Conduct and the processes outlined below will apply.

If the reporter does not wish for any formal action to be taken and there is no present threat to the community, the incident will be documented for statistical purposes and monitored for evidence of a concerning pattern of behaviors or other factors.
 - b. For most complaints, investigations will be done by Campus Safety and Security or another designated investigator.
 - c. If the respondent is a student, the investigator will prepare a written report in consultation with the Director of Student Rights and Responsibilities. The investigation will generally include, at a minimum, separate interviews of the complainant and the respondent. The complainant and the respondent will be permitted to have Luther College support person - a college employee or student (not an attorney) - present during their respective interviews. The investigator will gather and review other evidence as deemed necessary.
 - d. The Director of Student Rights and Responsibilities shall, based on the available evidence including the written report and the information gathered by the investigator, make an initial determination that the charges either have merit or do not have merit. They may, at their discretion, conduct additional investigations, or refer the case to a formal conduct process.
 - e. If the charges do have merit, the Director of Student Rights and Responsibilities may resolve the charges administratively by mutual consent of the parties involved. Such resolution shall be final, and there shall be no appeal or subsequent proceedings.
 - f. If the charges do have merit and cannot be resolved administratively, a formal hearing is held in a manner specified in the Code of Conduct for all college hearing boards. The complaint will be reviewed by the Hearing Board. The procedures for the Hearing Board are found in the [Code of Conduct Procedures](#) in the Student Handbook.
 - g. The complainant and the respondent will be permitted to each have an advisor who is a current member of the Luther College Community and who is not an attorney, present during the hearing; however, the advisor will not participate directly in the hearing.
4. A complaint of a bias incident, hate act, hate crime, discrimination or harassment 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 Director of Student Rights and Responsibilities.
 - 1. This may include the use of facilitated dialogue between the reporter, or affected individual(s), and the individual(s) who allegedly engaged in the concerning behavior(s) with the goal of reaching a mutually agreed upon outcome. This dialogue may also include witnesses who observed the behavior or individuals who were affected by the behavior. Restorative practices may be employed as part of this process.
 - 2. A conversation between a college official and the alleged perpetrator(s) to help the individual(s) understand the effects of their behavior and to warn them against future acts. This will be documented in the Office of Student Engagement.
 - b. The Director of Student Rights & Responsibilities may convene an administrative hearing following the procedures outlined in the Code of Conduct Procedures in the Student Handbook.
 - c. The Director of Student Rights and Responsibilities may refer the case to the Hearing Board. If the Hearing Board finds that the Code of Conduct and/or the Bias Incident, Hate Act, Hate Crime, Discrimination, and Harassment Policy has been violated the Hearing Board, in consultation with the Director of Student Rights and Responsibilities, shall impose sanction(s) as outlined in the Code of Conduct and/or take other appropriate action.
 - i. The Hearing Board may find that the Code of Conduct and/or the Bias Incident, Hate Act, Hate Crime, Discrimination, and Harassment Policy was not violated; the complaint will be dismissed.
 - ii. The Hearing Board may conclude that information about the case was insufficient or contradictory and a decision cannot be reached; if that is the case, the complaint will be dismissed. Please note that the standard of proof that applies to a Hearing Board proceeding is a "preponderance of evidence" (which means a determination of "more likely than not").
5. Complainants and respondents will be notified in writing about the Hearing Board decision.

V. Appeals Process

To appeal a decision reached by the Hearing Board, please refer to the appeals process as outlined in the [Code of Conduct Procedures](#) in the Student Handbook.

Reviewed and revised, June 2018

Approved by the President's Cabinet July 2018

Last revised June 1, 2018

Last Reviewed: August 1, 2022

Code of Conduct

Preamble

Luther College is a community of scholars whose members include its students, faculty and staff. As a community, we share a dedication to creating an environment that supports trust, respect, honesty, civility, diversity, free inquiry, creativity, and an open exchange of ideas. We also recognize the need to establish a Code of Conduct that sets forth expectations for student behavior, promotes growth and development, guides student action, and defines procedures and sanctions for behavior that is inconsistent with the aims and objectives of a community of scholars. For the benefit of the community, the Code of Conduct limits certain behaviors and activities. It also attempts to protect the academic integrity, health, welfare, safety, rights, and property of the college community.

Luther College strives to strike a balance between freedom and the policies necessary to promote its basic purposes of teaching and learning. Since enrollment at Luther is a voluntary act, students voluntarily assume the obligations of behavior reasonably imposed by the college as it carries out its mission. These obligations are generally much higher than those imposed on all citizens in society. Luther College expects students to maintain standards of personal integrity that are in harmony with the educational goals of the college; assume responsibility for their actions; and respect the rights, privileges and property of others.

The Code of Conduct is designed to clarify the standards of behavior essential to the college's educational mission and its community life. While the Code of Conduct is comprehensive and applicable to all students, it is not written with the specificity of a criminal statute, it is not an exhaustive attempt to codify every possible type of problematic behavior, and it is not a contract between the college and its students. The Code of Conduct policies and procedures apply to the individual behavior of students and the collective behavior of student organizations, teams, or ensembles, whether that behavior occurs on or off campus. Luther College specifically retains the right to amend this Code of Conduct, with or without advance notice to the community.

The Code of Conduct also reinforces the concept that students have rights: the right to be treated as individuals within the disciplinary process; the right to be protected from arbitrary, capricious, or malicious acts on the part of other members of the community; and the right to study, learn, live, and work in an environment free from behavior that could disrupt the college's functions, cause injury to persons, or cause damage to or loss of property.

By formulating this Code of Conduct, Luther College affirms the principle of student freedom that is coupled with an acceptance of personal responsibility.

The Code of Conduct policies and procedures apply to the individual behavior of students and the collective behavior of student organizations, teams, or ensembles, whether that behavior occurs on or off campus. Luther College specifically retains the right to amend the Code of Conduct, with or without advance notice to the community.

Article I: Definitions

1. The term "Luther College" means Luther College, Decorah, Iowa.
2. The term "student" includes all persons taking courses at Luther College, either full-time or part-time. Persons who withdraw or are suspended after allegedly violating the Code of

Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with Luther College or who are prospective students in the admissions process are considered “students,” as are persons who are living in Luther College residence halls, although not enrolled in this institution. This Code of Conduct does apply at all locations of Luther College, including all Luther-sponsored off-campus programs.

3. The term “faculty member” means any person hired or otherwise authorized by Luther College to conduct classroom or teaching activities or who is otherwise considered by Luther College to be a member of its faculty.
4. The term “Luther College official” includes any person employed by Luther College, performing assigned administrative or professional responsibilities.
5. The term “member of the Luther College community” includes any person who is a student, faculty member, staff member, Luther College official, visitor, or any person employed by or working on the Luther campus (either for pay or as a volunteer). A person’s status in a particular situation shall be determined by the Office of Student Engagement and/or the Human Resources Office.
6. The term “Luther College premises” includes all land, buildings, facilities, and other property in the possession of or owned, used, or controlled by Luther College, including adjacent streets and sidewalks.
7. The term “organization” means any number of persons who have complied with the formal requirements for Luther College recognition as an organization.
8. The term “Student Conduct Board” means those persons authorized by the Dean of Student Engagement or their designee to determine whether a student(s) or organization(s) has violated the Code of Conduct and to determine sanctions that may be imposed when a violation of this Code of Conduct has occurred. The Luther College Hearing Board, Honor Council, and Traffic Hearing Board, among others, may act as Student Conduct Boards under appropriate circumstances. The Luther College Hearing Board (hereafter “Hearing Board”) membership and procedures are outlined in section IV. The Honor Council and Traffic Hearing Board membership procedures are available, respectively, on Luther College’s website.
9. The term “Residence Hall Administrator” means a Luther College staff member responsible for managing specific residence halls, College apartments or homes or other residential facilities.
10. The term “Student Conduct Administrator” means a Luther College official authorized by the Dean of Student Engagement or their designee to preside over an Administrative Hearing and, in that context, to determine whether a student(s) or organization(s) has violated the Code of Conduct and to impose sanctions. The Dean of Student Engagement or their designee may authorize a Student Conduct Administrator to serve simultaneously as a Student Conduct Administrator and one of the members of a Student Conduct Board. The Dean of Student Engagement or designee may authorize the same Student Conduct Administrator to impose sanctions in all cases.
11. The term “Director of Student Rights and Responsibilities” means the Luther College official authorized by the Dean of Student Engagement or their designee to manage the student conduct process and serve as the chief conduct officer on campus. The Director of Student Rights and Responsibilities also serves as a Student Conduct Administrator and is the Chair of the Luther College Hearing Board.
12. The term “Campus Appeals Board” means those persons authorized by the Dean of Student Engagement or their designee to consider an appeal from a Student Conduct Board’s determination as to whether a student has violated the Code of Conduct and/or whether the sanction is appropriate. In addition, the Campus Appeals Board may consider an appeal to

determine whether the sanction imposed at an Administrative Hearing by a Student Conduct Administrator is appropriate.

13. The term “may” is used in the permissive sense.
14. The Dean of Student Engagement or designee is that person designated by the Luther College President to be responsible for the administration of the Code of Conduct.
15. The term “policy” means the written regulations of Luther College as found in, but not limited to, the Luther Code of Conduct, The Honor Code, Alcohol and Other Drugs Policies and Procedures, Residence Life Policies and Procedures, Housing and Dining Contract, Student Sexual Misconduct Policies and Procedures, Harassing and Discriminatory Conduct Policies and Procedures, Student/Campus Organizations Policies and Procedures, Parking and Traffic Policies and Procedures, Computer Use Policies and Procedures, the Luther College Catalog, and the Luther College website.
16. The term “cheating” includes, but is not limited to:
 - Use of any unauthorized assistance in taking quizzes, tests, or examinations.
 - Use of sources beyond those authorized by the instructor in writing papers, preparing reports, solving problems, or carrying out other assignments.
 - The acquisition, without permission, of tests or other academic material belonging to a member of the Luther College faculty or staff.
 - Engaging in any behavior specifically prohibited by a faculty member in the course syllabus or class discussion. (See the Luther Honor Code for a full description of student rights and responsibilities related to academic conduct.)
17. The term “plagiarism” includes, but is not limited to, the use, by paraphrase or direct quotation, of the published or unpublished work of another person without full and clear acknowledgment. It also includes the unacknowledged use of materials prepared by another person or agency engaged in the selling of term papers or other academic materials. (See the Luther Honor Code for a full description of student rights and responsibilities related to academic conduct.)
18. The term “Complainant” means any person who submits a charge alleging that a student violated this Code of Conduct. When a student believes that they have been a victim of another student’s misconduct, the student who believes they have been a victim will have the same rights under this Code of Conduct as are provided to the Complainant, even if another member of the Luther College community submitted the charge itself.
19. The term “Respondent” means any student accused of violating this Code of Conduct.

Article II: Student Code Authority

1. The Articles of Incorporation of Luther College give power and authority over the supervision of the curriculum, instruction, and policies of the college to the Board of Regents. The Board, in turn, delegates the responsibility for the leadership and implementation of policies to the President as the executive head of the college and chairperson of the faculty. The President, in turn, delegates much of this responsibility to vice presidents and to faculty committees.

The faculty has the responsibility for establishing departments, deciding upon courses of study, and determining requirements for admission and graduation. Faculty also has the responsibility for establishing rules and regulations for college governance and for the suspension and expulsion of students.

Because the ultimate institutional responsibility for the exercise of decision rests with the President, the President may deem it necessary to recall this delegation of power. Certainly this would be a rare instance. Technically, the President could have the absolutely final approval (subject to the Board of Regents) of any decision reached through any student conduct hearing. In a technical sense, Student Conduct Administrators and Student Conduct Boards do nothing more than “recommend” disciplinary action to the President, and by the President’s failure to intercede, accepts their recommendation. In essence, then, the President delegates power and discretion over student disciplinary matters to Student Conduct Administrators and Student Conduct Boards in all possible cases, exercising presidential prerogatives only when necessary.

2. The Dean of Student Engagement or their designee shall determine the composition of Student Conduct Boards and the Campus Appeals Board (in accordance with written procedures) and determine which Student Conduct Board, Student Conduct Administrator and/or Campus Appeals Board shall be authorized to hear each matter.
3. The Dean of Student Engagement or their designee shall develop policies for the administration of the student conduct system and procedural rules for the conduct of Informal Administrative Hearings, Student Conduct Board Hearings, and Campus Appeals Board Hearings that are not inconsistent with provisions of the Code of Conduct.
4. The Director of Student Rights and Responsibilities is the administrator charged with managing the student conduct system, in consultation with the Dean of Student Engagement.
5. Decisions made by a Student Conduct Board and/or Student Conduct Administrator shall be final, pending the appeal process defined in this Code of Conduct.

Article III: Proscribed Conduct

A. Jurisdiction of the Luther Code of Conduct

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 their 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 their 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 Dean of Student Engagement or designee shall decide whether the Code of Conduct shall be applied to conduct occurring off campus, on a case by case basis, at their sole discretion.

B. Conduct—Rules and Regulations

Students are required to engage in responsible social conduct that reflects credit upon the Luther College community and to model good citizenship in any community. Any student found to have committed, to have attempted to commit or aiding another student in an attempt to commit the following misconduct is subject to the disciplinary sanctions outlined in Article IV:

- a. Violation of any federal, state or local law.
- b. Violation of any Luther College policy, rule, or regulation published in hard copy or available electronically on the Luther College website.

- c. Failure to comply with directions of Luther College officials or law enforcement officers acting in performance of their duties and/or failure to identify oneself to these persons when requested to do so.
- d. Acts of dishonesty, including but not limited to the following:
 - i. Cheating, plagiarism, or other forms of academic dishonesty (see the Luther Honor Code).
 - ii. Furnishing false information to any Luther College official, faculty member, or office.
 - iii. Forgery, alteration, or misuse of any Luther College document, record, or instrument of identification.
 - iv. Use of college facilities and resources to produce, for unlawful purposes, documents such as identification cards and driver's licenses.
 - v. Tampering with the election of any college-recognized student organization.
- e. Violations of fire/life safety provisions, including but not limited to:
 - i. Arson or attempted arson.
 - ii. Use, possession or manufacture of explosives, including but not limited to, dangerous chemicals and fireworks.
 - iii. Intentionally or recklessly misusing or damaging fire/life safety equipment.
 - iv. Initiating or causing to be initiated any false warning of emergency or life-threatening circumstances.
 - v. Constructing and lighting a bonfire on campus, unless prior permission is granted by the Office of Student Engagement.
- f. Any possession of firearms, ammunition, swords, switchblades and other dangerous knives, bows and arrows, slingshots, pellet guns, paintball guns and all other weapons on Luther College premises or use of any such item, even if legally possessed (see Residence Life Policies and Procedures).
- g. Disruption or obstruction of teaching, research, administration, disciplinary proceedings, other Luther College activities, including its public service functions on or off campus, or of other authorized non-Luther College activities when the conduct occurs on Luther College premises.
- h. Participating in an on-campus or off-campus demonstration, riot or activity that disrupts the normal operations of Luther College and/or infringes on the rights of other members of the Luther College community; leading or inciting others to disrupt scheduled and/or normal activities within any campus building or area.
- i. Obstruction of the free flow of pedestrian or vehicular traffic on Luther College premises or at Luther College sponsored or supervised functions.
- j. Careless or prohibited conduct which, by its nature, creates an unnecessary risk of physical harm including, but not limited to:
 - i. Climbing or rappelling from walls or other physical structures.
 - ii. Unauthorized entry into the campus steam tunnels, air handling ducts, plumbing, electrical, or other utilities conduit or systems.
 - iii. Unauthorized access to rooftops, closed sections of buildings, or other restricted access areas.
 - iv. Failure to obey posted traffic control signs when operating a motor vehicle on campus.
 - v. The use of rollerblades, skates, or skateboards indoors or in an unsafe manner outdoors.
 - vi. Sledding or skiing in unsafe areas.

- vii. Camping on campus without permission from the Student Engagement Office.
- viii. Class and/or lab behavior which endangers self or others.
- k. Attempted or actual theft of, damage to, and/or possession of stolen property of Luther College or property of a member of the Luther College community or other personal or public property, on or off campus.
- l. Unauthorized possession, duplication or use of keys or other access device to any Luther College premises or unauthorized entry to or use of Luther College premises (see Residence Life Policies and Procedures).
- m. Conduct that is disorderly, lewd, or indecent; breach of peace; or aiding, abetting, or procuring another person to breach the peace on Luther College premises or at functions sponsored by, or participated in by, Luther College or members of the Luther community. Disorderly conduct includes but is not limited to: Any unauthorized use of electronic or other devices to make an audio or video record of any person while on Luther College premises without their prior knowledge, or without their effective consent when such a recording is likely to cause injury or distress. This includes, but is not limited to, surreptitiously taking pictures of another person in a gym, locker room, or restroom.
- n. Physical abuse, verbal abuse, threats, intimidation, harassment, coercion, and/or other conduct which threatens or endangers the health and well-being or safety of any person, including, but not limited to, the following forms:
 - i. Direct oral expression and/or physical gestures or actions.
 - ii. Notes, letters, and other forms of written communication distributed via U.S. mail, campus mail, or other means.
 - iii. Phone calls, phone messages, or other forms of electronic verbal communication.
 - iv. Email, text messages, instant messaging, social networks, or other means of electronic communication.
- o. Sexual assault, sexual abuse, or other non-consensual sexual contact or activity (see Student Sexual Misconduct Policies and Procedures).
- p. Bias incidents, hate acts, hate crimes, discrimination or harassment, including but not limited to:
 - i. Unwelcome verbal or physical conduct of a sexual or gender-based nature (see Student Sexual Misconduct Policies and Procedures).
 - ii. Discrimination or Harassment on the basis of age, color, creed, disability, gender identity/expression, genetic information, national origin, race/ethnicity, religion, sex, sexual orientation, political affiliation, or veteran status, or any other category protected by law (see the Bias Incident, Hate Act, Hate Crime, Discrimination, and Harassment Policy and Procedures).
 - iii. Discrimination or Harassment which includes verbal, visual, or physical conduct and that has become so severe and pervasive that it has the purpose or effect of unreasonably interfering with an individual's work or educational performance or creating an intimidating, hostile, or offensive working or educational environment. Bullying and cyberbullying are examples of this form of harassment.
- q. Hazing is any reckless or intentional act, occurring on or off campus, that produces physical, mental, or emotional pain, discomfort, humiliation, embarrassment, or ridicule directed toward other students or groups (regardless of their willingness to participate), that is required or expected of new members and which is not related to the mission of

the organization, team, or group. This includes any activity, whether it is presented as optional or required, that places a new member in a position of servitude as a condition of membership. Any activities of membership should be equally shared among experienced and new members. Prohibited acts of hazing include those covered under Iowa State law.

Students are expected to review the full [Hazing Policy](#) available in the Student Handbook.

- r. 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 (see Alcohol and Other Drugs Policies and Procedures).
- s. 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 (see Alcohol and Other Drugs Policies and Procedures).
- t. Smoking of 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 (see Alcohol and Other Drugs Policies and Procedures).
- u. Theft or other abuse of computer facilities and resources, including but not limited to:
 - i. Unauthorized entry into a file to use, read, or change the contents, or for any other purpose.
 - ii. Unauthorized transfer or copy of a file or software.
 - iii. Use of another individual's identification and/or password.
 - iv. Use of computing facilities and resources to interfere with the work of another student, faculty member or Luther College official.
 - v. Use of computing facilities and resources to send obscene or abusive messages.
 - vi. Use of computing facilities and resources to access, download, store or distribute pornographic materials.
 - vii. Use of computing facilities and resources to interfere with normal operation of the Luther College computing system.
 - viii. Use of computing facilities and resources in violation of copyright laws.
 - ix. Any violation of the Luther College Acceptable Use Policy.
- v. Unauthorized or inappropriate use of the Luther College name or logos, or the names or likenesses of identifiable organizations or features of Luther College. These include but are not limited to, the names or logos of college athletic teams or organizations; recognized student organizations, residence halls and other campus buildings; and images and descriptions from college publications. Inappropriate use includes, but is not limited to:
 - w. Use of college names, logos and images for commercial purposes without permission.
 - x. Use of college names, logos and images by groups not recognized by Luther College.

- y. Use of college names, logos and images in conjunction with activities not in accordance with Luther policies.
- z. Use of college names, logos and images that do not conform to acceptable style guidelines established by the Publications Office.
- aa. Abuse of the student conduct system, including but not limited to:
 - i. Failure to obey the notice from a Student Conduct Board or Student Conduct Administrator to appear for a meeting or hearing as part of the student conduct system.
 - ii. Falsification, distortion, or misrepresentation of information before a Student Conduct Board or Student Conduct Administrator.
 - iii. Disruption or interference with the orderly conduct of a Student Conduct Board or Student Conduct Administrator proceeding.
 - iv. Institution of a Code of Conduct proceeding in bad faith.
 - v. Attempting to discourage an individual's proper participation in, or use of, the student conduct system.
 - vi. Attempting to influence the impartiality of a member of a Student Conduct Board or Student Conduct Administrator prior to, and/or during the course of the Code of Conduct proceeding.
 - vii. Harassment (verbal or physical) and/or intimidation of a member of a Student Conduct Board or Student Conduct Administrator prior to, during, and/or after a Code of Conduct proceeding.
 - viii. Failure to comply with the sanction(s) imposed under the Code of Conduct.
 - ix. Influencing or attempting to influence another person to commit an abuse of the Code of Conduct system.
- C. Violation of Law and Luther College Discipline
 - a. Luther College disciplinary proceedings may be instituted against a student charged with conduct that potentially violates both the criminal law and this Code of Conduct (that is, if both possible violations result from the same factual situation) without regard to the pendency of civil litigation in court, criminal arrest and prosecution, or any other legal proceeding or investigation. Proceedings under this Code of Conduct may be carried out prior to, simultaneously with, or following civil or criminal proceedings off campus at the discretion of the Dean of Student Engagement or their designee. Determinations made or sanctions imposed under this Code of Conduct shall not be subject to change because criminal charges arising out of the same facts giving rise to violation of College rules were dismissed, reduced, or resolved in favor of or against the criminal law defendant.
 - b. When a student is charged by federal, state, or local authorities with a violation of law, Luther College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under the Code of Conduct, Luther College may advise off-campus authorities of the existence of the Code of Conduct and of how such matters are typically handled within the Luther College community. Luther College will attempt to cooperate with law enforcement and other agencies in the enforcement of criminal law on campus and in the conditions imposed by criminal courts for the rehabilitation of student violators (provided that the conditions do not conflict with campus rules or sanctions). Individual students and other members of the Luther College community, acting in their personal capacities, remain free to interact with governmental representatives as they deem appropriate.

Article IV: Code of Conduct Procedures

A. Charges and Student Conduct Hearings

1. Any member of the Luther College community may file a complaint against a student for potential violations of the Code of Conduct. A complaint shall be prepared in writing whenever possible and directed to a Student Conduct Administrator. Any charge should be submitted as soon as possible after the event takes place, preferably within ten class days. If a Complainant cannot or will not submit a written charge, the Student Conduct Administrator will prepare a written summary of the charge presented to them by the Complainant.
2. The Student Conduct Administrator may conduct a reasonable investigation to determine if the complaint merits a charge. The Student Conduct Administrator may decide among the following options:
 - a. If the complaint does not merit a charge; no further conduct action will be taken. If the charges are deemed to have no merit, the complainant may be informed of the decision and provided rationale for the decision. The college reserves the right to address problematic behavior.
 - b. The complaint merits a charge and may be administratively resolved by mutual consent of the involved parties on a basis acceptable to the Student Conduct Administrator. Such disposition shall be final, and there shall be no subsequent proceedings or appeals.
 - c. The complaint merits a charge and is appropriate for an Administrative Hearing by a Student Conduct Administrator or a formal hearing before the Hearing Board.
 - d. There is no option for an appeal of sanctions if a student accepts responsibility in an administrative hearing. If a student denies responsibility, they may request a hearing before the Hearing Board.
3. Conduct Meetings are held by a Student Conduct Administrator for the vast majority of alleged conduct charges according to the following guidelines:
 - a. At the conduct meeting, the Respondent will be informed, as completely as possible, of all matters relating to the alleged violation(s). The Respondent will be provided with an explanation of the alleged misconduct, the policy(ies) violated, and the evidence; the possible disciplinary action that could be taken; the opportunity to respond to the charges; the opportunity to present evidence contesting the charges, and an explanation of “the preponderance of evidence” standard.
 - b. It is possible for a student to accept responsibility for charge(s) during this informal, investigative conduct meeting with a Student Conduct Administrator. In this event, an additional Administrative Hearing is not required. When the Student Conduct Administrator and the Respondent achieve verbal agreement and resolution to the charge(s), an outcome letter provides the student with: the charge(s) in writing, notes their plea of “responsible,” and provides information on assigned sanctions and expectations. These cases are not subject to appeal.
 - c. If no such agreement is reached, the case may require further investigation, or be immediately referred for an Administrative Hearing. The student may plead “not responsible” to any charges (which have been deemed to have merit at the “preponderance of evidence” standard) and opt for an Administrative Hearing. In this case, the Respondent will meet with the Director of Student Rights & Responsibilities to schedule the Hearing. The Respondent will receive a detailed letter of the charges and coordinate next steps with the Director of Student Rights & Responsibilities.
4. The Hearing Board is composed of 11 persons except during breaks or other times when classes are not in session:
 - The Director of Student Rights and Responsibilities who serves as Chair of the Board;

- Five students (approved by the Student Senate following an application process coordinated by the Director of Student Rights and Responsibilities);
- Three members of the faculty who are tenured and approved by the Office of the Provost;
- Two exempt staff members at large. Approved by the Dean of Student Engagement;

During those times when classes are not in session, the hearing board shall be comprised of at least one faculty member, one staff member, and one student member. The Director of Student Rights and Responsibilities or an alternate shall chair the board. In such a hearing, the board chair shall not have a vote for either the finding or sanction phases of the process.

- a. A quorum for the hearing board consists of five persons with at least one student, one faculty member, and either the Director of Student Rights and Responsibilities or the alternate chairperson who shall be a staff member or legal (student members cannot be the majority of the board composition). If the Director of Student Rights and Responsibilities is absent, the alternate chairperson chairs the hearing. In the absence of a quorum, the hearing will be rescheduled.
 - b. Terms for faculty/staff are three years and students serve for one year and can be renewable for subsequent years
 - c. Students must have completed at least two terms at Luther before they are eligible to serve on the Hearing Board. Student members must be in good academic standing, and students who have been found responsible for violating the Code of Conduct by the Hearing Board are not eligible to serve as Hearing Board members.
 - d. No member of the board may be a practicing attorney, except for in Title IX Hearing where legal can serve as chair
 - e. The board shall meet at times determined by the Director of Student Rights and Responsibilities.
 - f. If the chair deems appropriate, the board may consult with college counsel for the board or invite college counsel to be present during the hearing.
5. Hearing Board hearings shall be conducted according to the following guidelines except as provided by Article IV(A)(12) below:
- a. Hearing Board hearings shall be conducted in private and are closed to the public.
 - b. The Complainant, Respondent and their advisors, if any, shall be allowed to attend the entire portion of the Hearing Board hearing at which information is received (excluding deliberations). Admission of any other person to the Hearing Board hearing shall be at the discretion of the Chair of the Hearing Board. For Sexual Misconduct hearings, the Title IX Coordinator is an ex officio, non-voting member of the Hearing Board.
 - c. In Hearing Board hearings involving more than one Respondent, the Director of Student Rights and Responsibilities, at his or her discretion, may permit the Hearing Board hearings concerning each student to be conducted either separately or jointly.
 - d. The Complainant and the Respondent have the right to be assisted by one advisor they choose, at their own expense. The advisor must be a current member of the Luther College community, except in cases brought pursuant to the Sexual Misconduct and Interpersonal Offenses. The advisor serves in a support or advisory role. Except in cases covered by Sexual Misconduct and Interpersonal Offenses hearings, the advisor may not be an attorney. The Complainant and/or the Respondent is responsible for presenting his or her own information, and therefore, the advisor is not permitted to speak or to participate directly in any Hearing Board hearing. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the Hearing Board hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor. The chair may establish reasonable ground rules for

the procedure of the proceeding, including concerning the presentation of testimony or evidence, the procedure for questioning, and the conduct of advisors. A person or party who is disruptive or fails to adhere to procedural rules will be dismissed from the Hearing, and the Hearing will continue without that person's presence.

- e. The Complainant, the Respondent and the Chair of the Hearing Board may arrange for witnesses to present pertinent information to the Hearing Board. Luther College will try to arrange the attendance of possible witnesses, if reasonably possible, and who are identified by the Complainant and/or Respondent at least two class days prior to the Hearing Board hearing. The Chair may decline to call a witness identified by the Respondent or Complainant if the Chair determines in their discretion that the witness's testimony is likely to be irrelevant, unnecessary or insufficiently reliable. Witnesses will provide information to and answer questions from the Hearing Board. Questions may be suggested by the Respondent and/or Complainant to be answered by each other or by other witnesses. The Chair of the Hearing Board will consider the advisability of such suggested questions and will determine, in their sole discretion, whether such questions will be posed. If so, the Chair of the Hearing Board will direct the question to the witness. This method is used to preserve the educational tone of the hearing and to avoid creation of an adversarial environment. Questions of whether potential information will be received shall be resolved at the discretion of the Chair of the Hearing Board. The Hearing Board does not hear from character witnesses.
 - f. Pertinent records, exhibits, and written statements (including Student Impact Statements) may be accepted as information for consideration by the Hearing Board at the discretion of the Chair.
 - g. All procedural questions are subject to the final decision of the Chair of the Hearing Board.
 - h. After the portion of the Hearing Board hearing concludes in which all pertinent information has been received, the Hearing Board shall determine by majority vote whether the Respondent has violated each section of the Code of Conduct for which the student has been charged and determine appropriate sanctions.
 - i. The Director of Student Rights and Responsibilities shall not vote to determine responsibility for a charge, but shall vote in the sanctioning phase of the hearing should the members of the Hearing Board be deadlocked in their decision. The deliberations of the Hearing Board shall be kept in strict confidence.
 - j. The Hearing Board's determination shall be made on the preponderance of evidence standard – whether it is more likely than not that the Respondent violated the Code of Conduct. There is a presumption of non responsibility, and the Respondent will only be held responsible if a preponderance of the evidence demonstrates that the policy has been violated.
 - k. Formal rules of process, procedure, and/or technical rules of evidence, such as are applied in criminal or civil court, are not used in Code of Conduct proceedings.
6. There shall be a single verbatim record, such as a recording, of all Hearing Board hearings (not including deliberations). Deliberations shall not be recorded. The record shall be the property of Luther College.
 7. If a Respondent, who has received notice as set forth in this Code of Conduct, does not appear before a Hearing Board hearing, the information in support of the charges shall be presented and considered even if the Respondent is not present.
 8. If a Complainant decides not to participate in a Hearing Board hearing, the Director of Student Rights and Responsibilities may or may not elect to present the information in support of the charges.

9. The Hearing Board may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Respondent, and/or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, video recording, audio recording, written statement, or other means, where and as determined in the sole judgment of the Director of Student Rights and Responsibilities to be appropriate.

B. Sanctions

1. The following sanctions may be imposed upon any student found to have violated the Code of Conduct:
 - a. Warning—A notice in writing to the student that the student is violating or has violated institutional regulations.
 - 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.
2. More than one of the sanctions listed above may be imposed for any single violation.
3. Records shall be kept on disciplinary situations and sanctions as follows:
 - a. Other than Luther College expulsion or revocation or withholding of a degree, disciplinary sanctions shall not be made part of the student's permanent academic record, but shall become part of the student's disciplinary record. Upon graduation, the student's disciplinary record may be expunged of disciplinary actions other than residence hall expulsion, no contact or no trespass notices, Luther College suspension,

Luther College expulsion, or revocation or withholding of a degree, upon application to the Director of Student Rights and Responsibilities. Cases involving the imposition of sanctions other than residence hall expulsion, no contact or no trespass notices, Luther College suspension, Luther College expulsion or revocation or withholding of a degree shall be expunged from the student's confidential record two years after final disposition of the case. Points assessed as a result of violations of the Alcohol and Other Drugs Policy shall remain on a student's record.

- b. In accordance with the Clery Act, all records specified by the Clery Act will be kept for seven years. To the extent applicable law requires the maintenance of other records for a defined period of time, Luther College will comply with such legal requirements.
 - c. In situations involving both a Respondent(s) (or group or organization) and a student(s) claiming to be the victim of another student's conduct, the records of the process and of the sanctions imposed, if any, shall be considered to be the education records of both the Respondent(s) and the student(s) claiming to be the victim because the educational career and chances of success in the academic community of each may be impacted.
4. The following sanctions may be imposed upon groups or organizations:
 - a. Those sanctions listed above in Article IV(B)(1)(a)-(i).
 - b. Loss of selected rights and privileges for a specified period of time.
 - c. Deactivation. Loss of all privileges, including Luther College recognition, for a specified period of time.
 5. In each case in which a Student Conduct Administrator or the Hearing Board determines that a student and/or group or organization has violated the Code of Conduct, the sanction(s) shall be determined and imposed by a Student Conduct Administrator or the Hearing Board, respectively. In cases brought before the Hearing Board, the Hearing Board shall determine and impose sanctions. Following the Administrative Hearing or Hearing Board hearing, the Student Conduct Administrator shall advise the Respondent, group and/or organization (and a complaining student who believes he/she was the victim of another student's conduct) in writing of its determination and of the sanction(s) imposed, if any.

C. Interim Suspension

1. In certain circumstances, the Dean of Student Engagement or their designee may impose a Luther College or residence hall suspension and/or refer a student for evaluation prior to an Administrative Hearing or a Hearing Board hearing.
2. Interim suspension may be imposed:
 - a. To ensure the safety and/or well-being of members of the Luther College community or preservation of Luther College property;
 - b. To ensure the student's own physical or emotional safety and/or well-being; or
 - c. If the student poses an ongoing threat of disruption of, or interference with, the normal operations of Luther College.
3. During the interim suspension, a student shall be denied access to the residence halls and/or to the campus (including classes) and/or all other Luther College activities or privileges for which the student might otherwise be eligible, as the Dean of Student Engagement or their designee may determine to be appropriate.
4. The interim suspension does not replace the regular disciplinary process, which shall proceed on the schedule defined herein up to and through a Hearing Board hearing, if required. However, the student should be notified in writing of the interim suspension and the reasons for the suspension.
5. 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.

6. The Dean of Student Engagement or their designee may refer a student to the college counseling staff and/or an independent mental health professional for evaluation, if there is reasonable belief that the student meets the previously noted criteria for interim suspension. At the Dean of Student Engagement's or their designee's discretion, the student may be required to sign a release of information allowing the college to disclose to the mental health professional the student's current behavior and reasons for referral. The Dean of Student Engagement or their designee shall set the conditions for evaluation (such as time frame and reporting requirements). A student who fails to meet the conditions for evaluation may be withdrawn on an interim basis. Conditions of the evaluation include release of the evaluation information to the Dean of Student Engagement or designee.

D. Appeals

1. A decision reached by a Student Conduct 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, stating the basis for the appeal, and shall be delivered to the Director of Student Rights and Responsibilities or their designee.
 - a. Each party may review all hearing materials, including written exhibits and the audio recording, during the 7 days following notification of a Student Conduct Board decision.
 - b. When an appeal is filed, the other party/parties will have the opportunity to review the appeal and respond in writing within 7 days.
2. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the Student Conduct Board hearing and supporting documents for one or more of the following purposes:
 - a. To determine whether the Student Conduct Board hearing was conducted fairly in light of the charges and information presented, and in conformity with prescribed procedures giving the Complainant a reasonable opportunity to prepare and to present information that the Code of Conduct was violated, and giving the Respondent a reasonable opportunity to prepare and to present a response to those allegations. Deviations from designated procedures will not be a basis for sustaining an appeal unless significant prejudice results.
 - b. To determine whether the decision reached regarding the Respondent was based on substantial information, that is, whether there were facts in the case that, if believed by the fact finder, were sufficient to establish that a violation of the Code of Conduct occurred.
 - c. To consider new information or other relevant facts not brought out in the original hearing, sufficient to alter a decision, because such information and/or facts were not known to the person appealing at the time of the original Student Conduct Board Hearing.
3. If an appeal is upheld by the Campus Appeals Board, the matter shall be returned to the original Hearing Board or Student Conduct Administrator for re-opening of the case to allow reconsideration of the original determination. If an appeal is not upheld, the matter shall be considered final and binding upon all involved.
4. The Campus Appeals Board is comprised of three members including one faculty member, typically the Chair of the Faculty Interest Committee; one student, typically the President of the Luther College Student Senate; and the Dean of Student Engagement. Depending upon the circumstances of the case, an alternative designee may review the case if it is determined a conflict of interest may arise based upon the specified representation. During times when classes are not in session, an appeal may be reviewed by the Dean of Student Engagement who shall make an individual determination on the appeal.

E. Can I Discover the Result of a Hearing?

Federal privacy law, FERPA (Family Educational Rights and Privacy Act), prevents anyone employed by the College from releasing information about a student, including the results of student conduct process, without their authorization. If you are a complainant, you will be informed that a review has taken place but not the specific action that may have been taken. In cases that involve acts of violence, fuller disclosure is allowed to the complainant.

Article V: Interpretation and Revision

1. Any question of interpretation or application of the Code of Conduct shall be referred to the Dean of Student Engagement or their designee for final determination.
2. The Code of Conduct shall be reviewed periodically by the appropriate campus committees under the direction of the Director of Student Rights and Responsibilities.

Approved by Community Assembly, May 5, 2009

Reviewed by Legal Counsel, June 24, 2009

Last Reviewed: July 1, 2022

Early Arrival

Students are expected to make arrangements for move-in based on their assigned move-in dates (found on the academic calendar). Only students who are approved through a college vice president may return prior to official opening dates. The criteria for approval of an early arrival center on whether a student's work or presence is essential for orientation planning, Welcome Week, or the opening of residence halls. Students will not be allowed to move in or receive a room key unless they are approved.

Early arrivals are highly discouraged and must be based on the student's need to be on campus and not convenience, including travel convenience. As a result, Luther grants very few requests for early arrival outside the parameters noted below. It may be necessary for parents/families to take a day off from work to move a student, so families are asked to plan accordingly.

All requests for early arrivals are subject to the availability of the space where the student is assigned to live.

Requests

Two dates are critical for the early arrival process. Work supervisors, coaches, or department heads shall submit a roster of students considered for early arrival to their respective vice president or designee no later than July 15.

The approved early arrival rosters must be submitted to the Residence Life office no later than July 20 by work supervisors, coaches, or department heads for any student, team, or group that is required to be on campus prior to an official move-in date.

The Residence Life office will coordinate arrival details with campus departments, supervisors, and coaches; students will receive specific check-in information from the respective department, supervisor or coach. The department, team, or supervisor is required to provide an interim meal plan from the date the student arrives until the student's fall meal plan begins.

- Athletics: The respective fall-season coach shall submit the team roster to Residence Life no later than July 20. Any adjustments to the roster shall be communicated, as information is available, to Residence Life. The team is required to provide an interim meal plan from the date the student arrives until the student's fall meal plan begins.
- College Employment: Faculty, work-study supervisors, or other college staff who require students to be back on campus early due to work-study or other college employment must submit their written request to the appropriate college vice president prior to July 15. If approved, the work supervisor shall submit the approved student roster to Residence Life no later than July 20. It is the department's responsibility to ensure the request has been approved through the proper channel and in the above noted time frame. The department is required to provide an interim meal plan from the date the student arrives until the student's fall meal plan begins. It is the work supervisor's responsibility to communicate with students that they have been approved for an early arrival.
- College Program: Faculty, program directors, or other college staff who require students to be back on campus early due to participation in a college-sponsored program must submit their written request to the appropriate college vice president prior to July 15. The faculty member, program director, or other college staff member shall submit the approved student roster to Residence Life no later than July 20. It is the faculty member, program director, or other college staff member's responsibility to ensure the request has been approved through the proper channel and in the above noted time frame. The department is required to provide an interim

meal plan from the date the student arrives until the student's fall meal plan begins. It is the program director's responsibility to communicate with students that they have been approved for an early arrival.

Note: Departments that wish to plan a student retreat must hold the retreat after the assigned move-in date.

- Summer Housing: Students who are living in campus-owned housing for the summer will be transitioned to their fall room assignment on or around August 10.

Requesting An Exception

We understand there can be extenuating circumstances that require an early arrival. A student shall provide a detailed written request to the Residence Life office no later than 5 business days before the requested move in date.

Requests to arrive prior to the fall move-in date will NOT be approved for the following reasons:

- Roommate already on campus: Students who are hoping to move in because their roommate(s) have already been approved will not be granted permission for early arrival. Unauthorized early arrivals will be billed a \$100 per day early arrival fee, may be asked to leave, and face disciplinary action.
- Just want to be back: If there is no legitimate reason for a student to be back on campus early, the request will not be approved. Unauthorized early arrivals will be billed a \$100 per day early arrival fee, may be asked to leave, and face disciplinary action.
- Working in Decorah: Students must be employed on campus and receive approval from their work-study supervisor; students working off-campus will not receive approval to move in early.
- Summer lease runs out: Students who live off-campus in Decorah may not move into their fall rooms early due to summer sub-leases expiring.

Dropping Items Off

Luther will consider requests to move possessions into a room without the student staying in the room if there are extenuating circumstances. Students must make requests for "Drop-and-Go's" by calling or emailing the Residence Life office two weeks prior to arrival. Students will be assessed a \$100 Drop-and-Go fee and will be given access to their rooms during regular work hours only (8:00 am to 5:00 pm, Monday through Friday). The Drop-and-Go period begins the Monday that precedes the official college move-in date.

Accountability

Students who are approved to be on campus are expected to uphold Luther College policies. Any student found to be residing on campus who has not received approval will be asked to leave campus and will face disciplinary actions. Any student found to have provided access to a student who is not approved for early arrival may also face disciplinary action. Disciplinary actions that may be taken, but are not limited to, include fines, restitution, and community service.

Last Reviewed: February 23, 2016

Honor Code

All academic work is based on the understanding that everyone engaged in academic discourse, in research, and in teaching is truthful, diligent, and respectful of the work of others. Without this, no academic community can flourish. Academic integrity is the moral code that builds trust between scholars.

Because of this, students at Luther College first adopted an honor code in 1962 and have affirmed its importance for the academic life at Luther ever since. It is every student's responsibility to observe the college's Honor Code by not violating academic integrity, and to protect the Honor Code by reporting any possible cases of violation.

[View the Honor Code.](#)

Last Reviewed: February 23, 2016

Missing Student Policy 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 “User Options” screen of Norse Hub.
- 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.
- Not later than 24 hours after determining the student to be missing, Campus Safety and Security will notify the Decorah Police Department to report the student as a missing person, or immediately if circumstances of criminality or safety are determined to be involved.
- Not later than 24 hours after determining that a student is missing, the Dean of Student Engagement or their designee will notify the emergency contact previously identified by the student (for students 18 and over) or the custodial parent/guardian (for students under the age of 18) and advise that the student is believed to be missing. Only authorized College personnel have access to this contact information, and they will use it only in accordance with the provisions of this policy and the Higher Education Opportunity Act.

II. Missing Person Contact

- Students may identify their missing person contact by completing the “Emergency Information” section of the “User Options” screen in [Norse Hub](#).
- If the student is 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 Campus Safety and Security (563) 387-2111. A report will be filed with Campus Safety and Security and an investigation initiated.
- After investigating, Campus Safety and Security, in consultation with the Office of Student Engagement, 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 missing person contact, if provided in Norse Hub. If the missing student is under 18 years of age and not emancipated, Luther College officials will immediately notify a custodial parent or guardian.

Last revised July 1, 2022

Last Reviewed: July 1, 2022

Other Policies and Procedures

Advertising Guidelines

I. General Guidelines

- A. Any advertising that suggests, refers to, or explicitly/implicitly invites, people to alcohol-related events is prohibited.
- B. Any publicity (flyers, posters, etc.) must be approved by the hall director and/or Residence Life Office (for advertising in the residence halls) or the Student Activities Office (for advertising in the Union) before posting and/or distributing.
- C. Any religious advertising must be approved first by the office for College Ministries before receiving a stamp from other locations on campus.
- D. Website advertising must follow all advertising guidelines.
- E. Infractions of this policy are cause for disciplinary action (i.e., loss of advertising privileges, probation, etc.).

II. Approved locations of advertisements

- A. Advertisements which imply that alcohol is available are not allowed in any campus building.
- B. All publicity materials to be posted in the Dahl Centennial Union or residence halls must be approved (stamped) by the officials in the office of Student Activities and/or Residence Life.
- C. Ads may be posted on Dahl Centennial Union or residence hall bulletin boards ONLY!. No advertising along the wall or hallway outside of the cafeteria without special permission. Advertising is not permitted in stairwells or landings due to fire code regulations. Ads placed in other non-designated areas will be removed. Advertising is limited to one poster per bulletin board.
- D. Posters. Posters to be displayed on public bulletin boards are subject to the approval of the appropriate office - for Dahl Centennial Union bulletin boards, the Coordinator of Student Activities; the kiosk in the CFL, the Campus Programming Office; for other locations, contact the supervisory office for that specific building area, or inquire at the Student Activities Office. Supervision of each residence hall bulletin board is the responsibility of the Hall Director.
- E. Chalking must abide by the above advertising guidelines and is not permitted under overhangs and entrances to the buildings.

III. Who is Allowed to Advertise

- A. Recognized campus organizations.
- B. Churches and nonprofit organizations may publicize events located off campus.
- C. Businesses may not advertise unless a recognized campus organization is sponsoring the activity. However, they may post one flier on the "Free Market" bulletin board in the Dahl Centennial Union if the advertisement complies with the policies of Luther College.

IV. Specifics on Advertising

- A. Allowable
 - a. In accordance with the policy stated in I above, advertisements are restricted to the following guidelines:
 - i. Advertising must describe the event.
 - ii. Advertisements must give the location of the event.

- iii. Advertisements should list the time of the event.
- iv. All advertisements must state the name of the organization sponsoring the event.

B. Non-Allowable

- a. Any event or advertisement which is an affront to personal dignity, violates individual rights, reflects an ethnic or racial prejudice.
- b. Any graphics depicting alcoholic beverage containers, persons consuming beverages, or obscene acts.
- c. Advertisements calling the event an “all-campus party.”
- d. Door-to-door solicitation, for any purpose, in college residence halls.

C. General

- a. To assist advertisers and to help comply with I.C. above, we recommend that all advertisements be approved by either the Director of Student Activities and the Dahl Centennial Union or the Dean of Student Engagement.
- b. The print shop will not print ads without notification of approval.
- c. To enhance your event, we recommend you have a theme. This will help with identification of the event and advertising.
- d. The word party may only be used when it is used as part of the theme or used as a noun in the advertisement (i.e., Halloween Party, Christmas Party, Beach Party).
- e. The Luther Mail Center also abides by the above guidelines.
- f. Final decision on acceptable advertisements is up to the discretion of the Director of Student Activities and the Dahl Centennial Union and the Dean of Student Engagement.

Student Records: Access to and Confidentiality

5.1 Introduction

5.1.1 The following statement and policies reflect Luther’s compliance with FERPA, the Family Educational Rights and Privacy Act of 1974, commonly known as the Buckley Amendment. A college acquires a great amount of information regarding its students. Because Luther College respects the students’ rights of privacy, this information is considered confidential. These records are essential if administration and faculty are to understand individual students and assist them in facilitating their development. Due to the confidentiality of these records a student has the right to expect the college not to release information about their to anyone other than those prescribed by law, unless it has their written consent. Only legal compulsion or the immediate security of persons or college property justifies the college’s revealing to unauthorized personnel, without the student’s permission, anything more about the student than the dates of their attendance, the nature and date of the degree awarded, place of residence while at the college, and other directory information in 5.2.1. Below.

5.1.2 Students will be informed annually of their privacy rights with respect to their educational records.

5.2 The following guidelines are adhered to by Luther College in regard to student records.

5.2.1 Certain information about students is considered “Directory Information” and considered generally available to the public. Such information includes: name, phone numbers and addresses (college and permanent), email address, classification (year in school, major(s)), honors, awards, degrees conferred, dates of attendance, participation in sports and activities, height and weight of athletic team members, date and place of birth.

5.2.2 Information considered confidential is filed in many offices, including, but not limited to: the Office of Student Engagement, Registrar, Career Center, Center for Academic Achievement, Center for Intercultural Engagement and Support, Student Accounts, Financial Aid, and the Counseling Service. Professional staff members of each respective office are the only personnel authorized to disclose or release information from a student’s folder. A student shall have the right to inspect and review any official records in accordance with that office’s protocol.

5.2.3 Two primary files will be maintained by the college: (a) academic and (b) personal.

5.2.3.1 The student’s academic file is kept by the Office of the Registrar. This is a permanent record and includes the Secondary School Record, the courses taken and when, the grades received, test data (e.g., the Scholastic Aptitude Test), the student’s area of specialization and degree received, grade point data, and any action by the college resulting in the student being placed on academic probation or their suspension due to academic reasons. The report on each semester’s work, which includes cumulative hours of credit and grade points, is sent to the student. The offices of Student Engagement and Counseling Services have access to this information electronically.

5.2.3.2 The student’s personal file is kept in the Office of Student Engagement. It includes information such as general correspondence, release forms and their Student Health Evaluation Form.

5.2.3.3 The personal record file in the Office of Student Engagement does NOT include the summary of interviews of counseling or the records of medical diagnosis and treatment, unless shared voluntarily by the student.

5.2.4 All persons who handle student records shall be instructed concerning the confidential nature of such information and the student’s right to privacy. They shall be advised of their legal and professional responsibilities regarding all student records.

- 5.2.5 **Release of Information.** The respective offices will not release records of a student without the written consent of the student, except of the specific occasions cited under Article 5.2.5.2. This written consent would include the type of record to be released and identification of the recipient. Copies of the released information will be sent or given to the student (or parent) when requested.
- 5.2.5.1 Luther College is required to release official information when the information is furnished in compliance with a judicial order or pursuant to a subpoena. In such an instance, an attempt will be made to notify the student (or parent) in advance of compliance.
- 5.2.5.2 Information from the above offices may be released to the following without written consent:
- A. Authorized federal representatives who request information in connection with an audit or evaluation of federally-supported education programs.
 - B. Officials of other schools to which a student has transferred to or intends to transfer.
 - C. Educational officials or teachers who request information for educational purposes. This includes the National Direct Student Loan Clearinghouse.
- 5.2.5.3 Any of the above representatives or officials will be required to note reason for inspection of official records. The information can be released only upon the condition that the third party (a,b,c above) will not permit access to others without written consent of the student.
- 5.2.5.4 To minimize the risk of improper disclosure, official college disciplinary records shall be kept in the Office of Student Engagement under separate cover. Folders of disciplinary cases are maintained in an active file for a period of two years after the latest incident recorded in the folder. After a period of two years, all such folders are destroyed, with the following exceptions:
- A. students who have a "hold" placed on their registration and transcript.
 - B. students involved in incidents that result in suspension. The folders on the above exceptions are transferred to an inactive file for two years after the "hold" is initiated or the student is suspended. When action is taken to release a "hold" or allow a suspended student to return to school, the folders are returned to the active file. They are maintained there for a period of two years from the date of the action or any later additions to the folder at which time they are destroyed.
 - C. While the intent of destroying disciplinary records in the timeframe noted remains, there are federal laws that require an educational institution to keep records of policy violations for a period of about seven years.
- 5.2.5.5 Information may be released for research purposes only under carefully prescribed guidelines. In releasing any data for research purposes, the identity of the student shall be scrupulously protected. If there is a question about the limits of confidentiality, the written permission of the student will be obtained prior to releasing information about him or her. The Dean of Student Engagement or Registrar will be assured that the department or persons engaged in the research will follow professional standards of confidentiality.
- 5.2.5.6 The Office of Student Engagement will not keep membership lists of student organizations. It will record the name of the faculty advisor and officers of the organizations for identification purposes only, and will destroy all such records at the end of each academic year. The names of advisors and officers will be released upon request.

5.2.6 Review of Official Records

- 5.2.6.1 Upon request of a student, or parent as appropriate, and within 45 days of the request, a student may review his or her records. This request must be made to the office or service where the records are maintained. Information such as intelligence, aptitude, psychological and interest inventories, and health record entries will be interpreted by a staff member of the appropriate office.

- 5.2.6.2 In the event the student finds what he or she regards as inaccurate or misleading information, that student may request that the record be corrected or amended. If the request is denied, the student may request a hearing to modify or remove the material. If dissatisfied with the results of the hearing, the student may place in the file a statement of disagreement.
- 5.2.7 **Destruction of Students' Personal Records.** Luther College terminates its responsibility for personal records at the end of the sixth year after the student leaves the college. At the end of the sixth year the records shall be destroyed in a manner which prevents unauthorized retrieval. Any portion of the record may be destroyed at an earlier date if the person under whose jurisdiction the record was originally created feels it should be destroyed. Maintenance and preservation of the academic record shall be in perpetuity.

Bicycle Regulations

An ordinance regulating the use of bicycles within the City of Decorah, Iowa, providing for the registration and licensing thereof, and fixing penalties for violation:

- 5.2.8 License required—Every person living within the City of Decorah, Iowa, who owns a bicycle, shall cause the ownership thereof to be registered at the office of the Police Department.
- 5.2.9 In accordance with the above city ordinance, students are advised to register and license their bicycles with the Decorah Police Department. Registration will benefit the owner in the event of theft. Due to a partnership between Luther and the City of Decorah, students and staff may register their bikes on campus at no cost. Registration is available at the Welcome Center, located in Dahl Centennial Union.
- 5.2.10 Bicyclists are required to use the bike storage racks located throughout the campus. The use of a heavy-duty lock system is recommended to discourage theft. Luther regulations prohibit attachment to trees, posts, signs, handrails or handicapped ramps. Any bicycle that blocks or interferes with handicapped or emergency pathways may be removed.

Chosen Name and Gender Identity Policy

Luther College Chosen Name and Selection of gender Identity and Preferred Pronouns

Luther College recognizes that as a community many of its members use names other than their legal names to identify themselves. As long as the use of this name is not for the purposes of misrepresentation or avoiding legal obligation, it is the policy of Luther College that a student may choose to identify themselves within the college community with a chosen first, middle, and last name, also known as the "Luther College chosen name".

The Luther College chosen name will appear instead of the legal name in college related systems and documents where it is both technically and legally possible. The Luther College chosen name should not be considered a "private" name for use at the College only.

Legal Names

In order to change the name on your official college records such as transcripts and employment records, you must legally change your name. A legal name change is recognized by submitting a social security card. If you are a graduate, you can also request an updated diploma with your current legal name. Although your name will be changed on all documents, your prior name will continue to be listed as a previous identity in the college's database in order to ensure that any searches of your former name will access the correct files.

List of instances in which legal name must be used:

1. Student Accounts and Office for Financial Services (including the Statement of Account and payments)
2. Financial Aid (including the FAFSA, outside scholarships, awards, and loans)
3. Student Employment and Payroll documents (including time entry system, payment vouchers, and tax information)
4. Official and Unofficial Transcript
5. Reporting to state and federal agencies
6. Other records where the student's legal name is required by law or college policy

Luther College Chosen Name

The college will make every attempt to use the Luther College chosen name in instances including but not limited to:

1. Residence hall rosters
2. Online public Campus Directory
3. KATIE learning management system
4. Diploma (if indicated so on the Graduation Application)
5. NorseHub.luther.edu (exceptions for payroll, transcript, and financial documents as noted above)

While some systems update nightly, others may take some time to reflect your updated name.

Email

Additional action is required to set up an alias email address. Your Norse Key username will not change. Please note that names listed in individual email contacts cannot be changed systematically. You will need to notify the persons who have your original contact name to update the contact with your Luther College chosen name and email alias.

Luther College ID cards

We understand that it may be important to you for the college identification card to reflect your Luther College chosen name. You can obtain a new ID card with your new name if you have registered your legal name change or Luther College chosen name with the Office of Student Engagement. ID cards are produced in the Dining Services Office in the Dahl Centennial Union, room 8 (across from Nordic Brew).

PLEASE NOTE: If you plan to replace your ID card, a \$25.00 fee is required.

IMPORTANT NOTE: If you request a new ID card with your Luther College chosen name, please know it may not be used as a legal form of identification. If you must use your Luther ID as a form of ID, for example in Student Employment, you may want to consider not replacing your ID with your Luther College chosen name.

Pronouns and Gender Identity

In addition to the Luther College chosen name, students may select a pronoun from the list provided in their directory preferences to be displayed on class rosters and in [NorseHub.luther.edu](https://norsehub.luther.edu)

Students may also select a gender identity from the list provided in their directory preferences to be kept as part of their student record at Luther College. At this time, this will be used for record keeping purposes only and will not be displayed on rosters or in NorseHub.luther.edu

Process and Implementation

Beginning Fall 2018, Luther will launch the initial use of the Luther College chosen name as well as pronouns and gender identity, as described above. Updates will be communicated to the campus community as the necessary changes are completed to support continued implementation.

Students are able to request their Luther College chosen name through the Office of Student Engagement. Students must meet with one of the Student Engagement staff members to review the process and its implications. If a student then wishes to proceed, they will complete a form that will be reviewed for approval. Once the request is approved, the Luther College chosen name will be displayed in the areas noted above within five business days.

The Office of Student Engagement has the authority to deny any request or remove a chosen name in extreme cases – including but not limited to multiple requests from the same person or a requested name that is inappropriate (profanity, for example). In the rare circumstance when such a denial is made, the student may appeal the decision in writing to the Dean of Student Engagement. The Dean of Student Engagement will convene an appeal committee comprising the interim dean for Equity and Inclusion, the registrar, and the Dean of Student Engagement to reconsider the request.

Student Privacy Considerations

Consistent with the Family Educational Rights and Privacy Act (FERPA), Luther College allows for the release of directory information, which includes a student's Luther College chosen name. A student must submit a Do Not Release request through the Office of Student Engagement if they do not wish to have their chosen name or other personal information released. This request covers circumstances in which information is shared, including to external organizations or

persons; students can not select specific instances in which their personal information would be available.

Choosing a FERPA Do Not Release restriction means the College will not list the student in the directory and cannot confirm student status to anyone inquiring about the student record. However, mail to the student may still be sent using their Luther College chosen name to home addresses. For this reason, the Luther College chosen name should not be considered a “private” name for use at the College only.

Disability Services

A student with a disability should know that Luther College not only strives to comply with ADA and Section 504 requirements, but also prides itself on creating a learning environment responsive to all students. If you are a student with a disability, you need to know that you have the right to equal access to all programs provided on this campus. However, it is important for you to realize that college is different from high school in many ways.

First, you have more choices, both in how you schedule your daily activities and how you access services. You will find that establishing reasonable accommodations for your disability will be a different process than the IEP or 504 plan you had in high school. Knowing and preparing for these differences before you start your first semester on campus will save you time and trouble.

The major differences are:

1. The student, not the school, initiates the process.
2. You are responsible for providing documentation of your disability (from appropriate professionals). This includes documentation of what accommodations worked in the past.
3. Decisions on accommodations are made on an individual basis. Accommodations may vary from class to class and be different for individuals with the same disability.

How the Luther process works

The focus of the process is on the functional impact of the disability on the educational process rather than the disability label. To qualify for an accommodation, the disability must significantly interfere with the student's participation, communication or ability to participate in course assessment, e.g. tests, projects. Accommodations are determined on a case by case basis. For example, a student with hand mobility problems may need assistance with note taking and written tests, but not with oral presentations.

If students with a disability feels he/she may need special accommodations, they should register with the Disability Services Office (DSO). To register with our office to receive accommodations the student must:

- Complete the self-referral form, either in hard copy or online, and send it to the DSO.
- Secure appropriate documentation of the disability and its impact from appropriate professionals.
- Schedule an appointment with the DSO before arriving on campus. It is always better to have a plan in place before classes begin rather than after problems occur.

And finally, if you have questions, please do not hesitate to contact the DSO at (563) 387-1270.

*More information can be accessed online at www.cae.luther.edu under Disability Services.

Email Communication with Students

Students are advised that Luther College considers email from the college as one of its official means of communication with students. If you use another email address, we ask that you check your Luther email account on a regular basis. If you have questions, please contact the Technology Help Desk.

Environmental Statement

The Luther College community is concerned about the impact we, as individuals and as an institution, have on the environment. As citizens of an earth community, it is our obligation to identify problems which militate against a sustainable future and to implement viable solutions to those problems. In support of the movement towards an environmentally sustainable future, we commit ourselves to the following goals:

1. To identify environmental pollution and degradation taking place on campus and to institute environmentally sound operations.
2. To work in collaboration with the Decorah community and other organizations to assist in finding solutions to environmental problems.
3. To affirm and expand the Luther College community's commitment to recycling, waste reduction, and resource conservation.
4. To forge collaboration among departments, faculty, and students to develop curricula, interdisciplinary approaches, research initiatives, and outreach activities that address the issues surrounding an environmentally sustainable future.
5. To encourage all departments to explore environmental issues in relation to their respective disciplines, with the larger aim of providing all students with the information and understanding needed to become ecologically responsible citizens.

Adopted May 1998

Federal Drug Free Workplace/ Drug Free Schools and Communities Act

Luther College policy to comply with the Federal Drug Free Workplace Act of 1988 and Drug-Free Schools and Communities Act of 1986 and Amendments of 1989. (The Drug Free Workplace Act [1988] applies to employees of the college and students who are Pell Grant recipients. It requires the college to certify that as a federal grantee it will provide a drug-free workplace. The Drug Free Schools and Communities Act [1986] and Amendments [1989] require that as a condition of receiving funds or any other form of financial assistance under any federal program, an institution must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs and alcohol by students. While these are distinct regulations, the college is starting with this single policy in its intent to comply with both.)

Luther College highly values its students and employees and is therefore committed to maintaining a safe and healthful learning environment and workplace free from chemical substance abuse. To help fulfill this commitment the college maintains a Lifetime Wellness program. The following policy outlines ways the college will also fulfill this commitment while complying with the provisions of the Drug Free Workplace Act (1988) and the Drug Free Schools and Communities Act of 1986 and Amendments of 1989. This policy will be shared annually with all students and employees by the Student Engagement and Human Resources offices.

- I. 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. (Stipulation of the Drug Free Workplace Act.)

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- and off-campus activities. The college’s policy on possession or use of alcoholic beverages is outlined in the Code of Conduct.

- II. Federal law contains further prohibitions against the manufacture, possession with the intent to distribute, or distribution of controlled substances, including narcotic drugs, marijuana, depressant or stimulant substances.

Iowa law prohibits the manufacture, delivery, possession with the intent to manufacture or deliver, and possession of controlled substances.

Local and state laws prohibit possession of open containers of alcoholic beverages outside of a residence or licensed liquor establishment. Possession of alcoholic beverages is prohibited for persons under the age of 21. Operating a motor vehicle while intoxicated is also prohibited.

The college recognizes all these regulations in its commitment to maintaining a healthful campus and workplace. A detailed summary of federal, state, and local sanctions applicable to violation of item I above are available in the offices of Human Resources and Student Engagement.

- III. Luther College promotes wellness and recognizes chemical dependency as a major threat to wholeness of personal health. The college is therefore committed to seeing that all its students and employees understand that:
 - A. The use of alcohol and/or illegal drugs can interfere physically, mentally, socially, and spiritually with the ability to perform important functions.
 - B. These drugs impair physical coordination and mental alertness and may damage the immune system, resulting in irreversible health problems and death.

- C. Social behavior following use of alcohol or illegal drugs may be destructive to relationships.

A summary of the effects of using controlled substances is available from the Lifetime Wellness Educators, who will coordinate programs to inform employees and students about the dangers of drug and alcohol abuse, the college's policy, counseling or rehabilitation programs in the community, and penalties for violations.

- IV. The Luther College Counseling Service provides evaluation and counseling for students in relation to abuse of alcohol and other drugs and refers students to other resources that might be appropriate for them. Lists of community and area evaluation and counseling services are available from the following offices: Counseling (1375), Health Service (1045), and Lifetime Wellness Program (2075).
- V. Violations of the standards of conduct described in Section I will result in:
 - A. Corrective action up to and including dismissal as described in the respective staff, student, and faculty handbooks, and students' residence hall contracts and/or
 - B. Required satisfactory participation in a drug and alcohol abuse evaluation or rehabilitation program.

Any employee or student employee who is convicted of violating any criminal drug statute in such workplace situations as described in item I above, must report that conviction to the office of Human Resources no later than five days after the conviction. (Stipulation of the Drug Free Workplace Act.)

Within 10 days after receiving notice of such conviction from an employee who is a participant in a federal grant or contract, the office of Human Resources will notify the granting agency of an employee's conviction for violation of the standards of conduct identified for the workplace. Within 30 days of the employee's conviction the college will impose sanctions on the employee, and/or require satisfactory participation in the drug abuse assistance program. (Stipulation of the Drug Free Workplace Act.)

- VI. This substance abuse policy is effective immediately. The Director of Human Resources will coordinate a biennial review of the policy with representatives from the Student Engagement, academic affairs, health service, wellness educator, student financial planning and president's offices.

September 7, 1990

Controlled Substances Crimes and Penalties

Federal and Iowa Law*

Both state and federal laws prohibit distribution of, manufacture of, or possession with intent to distribute a controlled substance or a counterfeit controlled substance. State laws prohibit distribution of, manufacture of, or possession with intent to distribute a controlled substance or a counterfeit controlled substance. State penalties range up to Life confinement and a fine of \$1,000 to \$1,000,000 depending upon the type and quantity of drug involved. Specific drugs, amounts and penalties are described in Code of Iowa, Chapter 124, and Title 21 USC, sections 841-863.

Penalty Enhancement

The maximum term and fine is increased significantly if state and federal penalty enhancement rules apply. Factors which raise maximum penalties under state penalty enhancement rules include death or serious bodily injury; prior drug conviction; placing at risk or distributing a drug to a person under 18 years old; using a person under 18 years of age to assist in the drug violation; using firearms or

dangerous weapons in the commission of the offense; and distributing or manufacturing a drug within 1,000 feet of school property.

Possession

State laws prohibit possession of a controlled substance. The maximum state penalty for possession varies depending on the amount and type of drug possessed. The maximum term and fine increases significantly in the event that state penalty enhancement rules apply. Possession of relatively small quantities of certain drugs can be a felony under Iowa Drug Stamp tax laws, resulting in up to 5 years in prison and civil penalties.

Driving While Intoxicated

Under state law, a person found guilty of operating a motor vehicle while under the influence of drugs or alcohol, or with a blood alcohol concentration of .08 or greater shall be imprisoned for not less than 48 hours and fined a minimum of \$1,250 and a maximum of \$1,875 for the first offense. For the second OWI offense the minimum period of confinement is seven days and a minimum fine of \$1,850, with a maximum of \$6,250. The minimum period of confinement for the third or subsequent OWI convictions is thirty days and could be up to five years, with a minimum fine of \$3,125, and a maximum of \$9,375. All fines are accompanied by a 35 percent surcharge. Defendants are also required to pay court costs and make restitution of court appointed attorney fees and are subject to paying high risk insurance for 3 years. Drunk drivers also lose driving privileges for 180 days for first offense, and up to six years for third offense.

Other Alcohol-Related Offenses

Under State law, the drinking age is 21. State law prohibits:

- A. Consumption or possession of an alcohol beverage in a public place;
- B. Public intoxication;
- C. Carrying an open container with an alcoholic beverage in public;
- D. Giving or selling an alcoholic beverage to anyone intoxicated;
- E. Possession of an alcoholic beverage under legal age; and
- F. Having open containers in a motor vehicle.

A person who is of legal age who sells, gives, or otherwise supplies alcoholic liquor, wine, or beer to a person who is under legal age in violation of this section commits a serious misdemeanor punishable by a minimum fine of five hundred dollars. A person who is of legal age who sells, gives, or otherwise supplies alcoholic liquor, wine, or beer to a person who is under legal age in violation of this section which results in serious injury to any person commits an aggravated misdemeanor. A person who is of legal age who sells, gives or otherwise supplies alcoholic liquor, wine, or beer to a person who is under legal age in violation of this section which results in the death of any person commits a class "D" felony. Second and third offense public intoxication or consumption in a public place is serious or aggravated misdemeanors, with penalties enhanced accordingly.

*Laws are subject to change.

Fund-Raising Guidelines

- I. Whereas most student organizations are not funded by Luther College in any direct way, Luther College recognizes the need for officially recognized organizations to raise operating funds for their activities.
 - A. The following is a set of guidelines for planning and implementing fund-raisers on campus:
 1. Student groups planning to engage in fund-raising efforts in which fellow students, faculty, and staff are the persons from whom the funds are raised must seek and obtain permission from the Coordinator for Student Activities and the Dahl Centennial Union. Included in the category would be on-campus events for which admission is charged, the sale of goods or services, and direct solicitation for worthy causes.
 2. College organizations selling products need to also adhere to these additional guidelines:
 - a) Items must be reasonably priced and represent a fair deal for purchase.
 - b) Items must be quality products.
 - c) Items must be in good taste.
 - d) Items must not be messy, loud, or offensive; they must also be non-disturbing.
 - e) If items directly compete with the Book Shop, Oneota Market, or Marty's clearance must be obtained from the supervisors of those operations.
 - f) Items must not promote alcohol or drug use.
 - B. Locations for fund-raisers:

Fund-raisers are allowed in specific areas of the Dahl Centennial Union with the approval of the Director of Student Activities and the Dahl Centennial Union. The time limit for each fund-raiser will be determined by the Director of Student Activities and the Dahl Centennial Union in conversation with the representatives of the organization sponsoring the event.

Academic Buildings: Fund-raisers are not allowed in any building that is designated primarily as classroom space.

Residence Halls: Fund-raisers in the residence halls should be cleared with the hall director or the director of housing. Door-to-door soliciting is not allowed in the residence halls.
 - C. The aforementioned guidelines are not negotiable and all student groups must abide by them. Organizational representatives must meet with the Director of Student Activities and the Union at least two weeks prior to the proposed event (three weeks before major weekends) to review these policies before receiving permission to fund-raise, and sign a statement that holds them responsible for compliance with such guidelines. The student representatives will also need to obtain the signature of the organization's advisor and the appropriate supervisor if the fund-raiser is in direct competition with any of the previously mentioned services, or occurs during a major weekend such as, Family Weekend, Homecoming, Christmas at Luther, or Commencement.

If a recognized organization wishes to raise funds during a home athletic event, permission must be given from the Athletic Department prior to completing the fund-raising form.

If these guidelines are abridged in any way, the Director of Student Activities and the Dahl Centennial Union may deny future fund-raising privileges for a period not to exceed one year.

- D. Organizations raising funds for charity must provide evidence that the funds were received by the charitable organization.
- II. Individuals, businesses, or groups not affiliated with Luther, or Luther groups which are not officially recognized, are prohibited from selling products or services and from raising funds on campus.

Greek and Other Campus Organizations

Article VIII: Campus Organizations

8.1.1 Luther College recognizes that students bring to campus a variety of interests and develop other new interests as members of the community. Therefore, students are free to organize and join associations to promote their common interests. Student organizations shall have the right to assemble as long as they do not: a) violate the civil law or the college code of conduct, b) destroy property, c) disrupt classes and the other regular and essential operation of the college, d) or in any other way infringe upon the rights of other individuals and organizations. Organizations who wish to be officially recognized by the college and are not directly responsible to a college department or office, must submit an organizational constitution to the Student Senate Leadership Committee. All constitutions must include a statement of aims and purposes of the organization as well as the bylaws of the organization. Constitutions must be approved by the Leadership Committee, and based on this, the organization shall be considered officially recognized. This will entitle the organization to the following rights: a) to reserve college facilities; b) to run campus fund-raising activities; c) to advertise d) to apply for funding through the Student Senate Finance Committee. If the Leadership Committee declines to approve a constitution, it shall provide the organization with a written statement of the grounds for its decision.

Any student organizations, not just social organizations, that choose to host alcohol-related events should be in compliance with section 8.1.7.

8.1.2 Organization (social) advisors shall be chosen primarily from the teaching faculty. A maximum of one fourth of the organization advisors may be chosen from non-teaching faculty, staff, or administration. Each advisor chosen from outside of the teaching faculty must be approved by the Leadership Committee. The advisor shall be kept fully informed of all activities of the organization and be invited but not required to attend all meetings and social events. The advisor may resign his or her advisory role if the informing and inviting provisions are not met. In the event an advisor should resign for cause this resignation should include a report stating the reasons for resignation and be sent by the advisor to the Inter-Greek Council. The organization shall have not more than 30 days from the date of a resignation to recruit a new advisor or lose recognition by the college. The advisor's purpose shall be to advise organizations in the exercise of responsibility, but the advisor shall not have the authority to control the policy of the organization, except as noted above, and will not be held liable for any action of the organization.

- A. Social Organizations will select faculty or staff advisors for the coming academic year by May 10th of the previous spring. The Inter-Greek Council (IGC) will then inform the advisor of the Inter-Greek Council of the names of the faculty advisors. The committee will then count this advising role as a committee assignment for those faculty members.
- B. Faculty and staff advisors will be invited to Bystander Training and to Senate discussions on the Hazing Policy.
 - a. The first orientation session will be a joint session of faculty/staff advisors, officers of Greek organizations, and members of the Inter-Greek Council. The sessions will include information on legal liability issues, planning for the fall pledging process, prevention of hazing, and the registration process for alcohol-related events.
 - b. Other advisor sessions will be designed to cover topics to meet the needs of the advisor group, such as the use of alcohol in social organization activities, leadership opportunities for group members, service-learning opportunities, and ways to share ideas across groups.

- c. Another major duty of the faculty/staff advisor is to attend a minimum of two of the organization's meetings or events each semester, in order to build a positive relationship between advisor and members.
- 8.1.3 At the beginning of each academic year, each social organization must submit a prospectus to Student Engagement. The prospectus consists of: a) advisor's name; b) officers' and current members' names; c) goals and objectives that outline the organization's anticipated activities and projects; d) a list of a minimum of one civic and two college community projects. Prospectuses must be submitted to the advisor of IGC on or before the last Tuesday of September. Failure to meet the deadline will be cause for loss of rights as stated in Article 8.1.1. The prospectus will be kept in the Student Organization Suite, and an electronic copy will be given to library archives. Organizations are encouraged to utilize their advisor in developing this and other reports. Annual charter applications must be submitted by April 10 (see 8.1.7.1).
- 8.1.4 Election of social organization officers will be held during December of each year. The new officers will not take over their responsibilities until after the leadership workshop. This workshop will be required for all social organization presidents and will be open to all organization officers. The purpose of the leadership workshop is to assist in the development of quality and consistent leadership.
 - 8.1.4.1 Pledging
 - A. Pledge activities will not commence until the fall semester of one's sophomore, junior, or senior year.
 - B. Activation must take place by November 1st each year.
 - C. All prospective pledges will be required to attend an information session covering the pledging process, alcohol use, hazing, and other pertinent issues before pledging commences.
 - D. Rush activities may begin on March 1st and will be restricted to two weeks during March or April. The dates are to be set by IGC. Rushing will be defined as pre-pledging activities designed for the purpose of providing information to prospective members.
- 8.1.5 The Inter-Greek Council will schedule regular meetings. Attendance at these meetings is required of all social organizations. Each organization will be represented by an officer. Failure to attend will be cause for disciplinary action.

The purpose for the meetings is to share ideas, coordinate activities, discuss problems, develop leadership, organize pledging activities, and discuss other issues which are pertinent to the social organizations. Through these meetings the advisor of IGC will offer programming assistance for the purpose of enhancing the range of activities in which the organizations may choose to participate.

- 8.1.6 The advisor to the IGC will develop a format for all prospectuses. Each organization president will meet with the organizational advisor to prepare its prospectus at the beginning of each fall semester prior to submitting it to the IGC advisor. Each prospectus will state the goals and objectives that outline the organization's anticipated activities, projects, and guidelines for responsible use of alcoholic beverages. The Student Senate requires that each organization do service projects as stated in Article
 - 8.1.3. These must be whole organization activities, not pledge activities.
 - 8.1.7 Each organization's prospectus will include guidelines for responsible use of alcoholic beverages. Reports of violations of these guidelines made by members of the Luther community to the Office of Student Engagement shall be referred to the Luther College Hearing Board under 8.2.1 and 8.2.2. The guidelines must include, but are not limited to, the following:
 - A. That the possession, use, sale and/or consumption of alcoholic beverages at any organizational

- activity or function shall be in compliance with all applicable laws and Luther College policies.
- B. That the organization will encourage moderation and lawful consumption in regard to alcoholic beverages. They will also discourage irresponsible consumption of alcoholic beverages. To this end, food and alternative non-alcoholic beverages will be available in the same manner as alcoholic beverages at all organizational functions.
 - C. That if the organization hosts an off-campus event involving alcohol, it will develop and implement programs such as buddy systems, designated drivers, Students Against Drunk Drivers (SADD) contracts, designated bartenders, and will meet with a Lifetime Wellness Educator for an information and discussion session on legal and responsible alcohol use.
 - D. That any activity designed for the purpose of initiating or activating pledges into the social organization on either pledge night or activation night will involve no alcohol.
 - E. That there shall be no required alcohol consumption.
 - F. That when alcohol is available at an off-campus event sponsored by a campus organization, the event shall be in a setting where alcohol sales are legal, provided by a private, licensed vendor on a per drink basis, with no profit from alcohol sales going to the sponsoring organization. This means no purchase, sale, or distribution of alcohol by the organization.
 - G. That the organization shall register its event with, and receive approval from its advisor, indicating the place, time, anticipated number of guests, and methods to comply with "a" through "f" above. Such methods may include, but are not limited to, employing local law enforcement officers at the event. A copy of the registration will be sent to the Student Engagement Office.

8.1.7.1 Social Fraternity/Sorority Charter Applications

The IGC advisor shall review all annual charter applications from social fraternities and sororities wanting official Luther College recognition.

- A. Application deadline: Applications for all existing social fraternity and sorority charters must be submitted by April 10 each year. The review board shall open all applications to campus-wide review for a period of 3 days. The review board shall finish acting upon all applications on or before May 10.
- B. Duties and responsibilities
 - a. Review the annual detailed evaluation of each organization.
 - b. Review the disciplinary file of each organization.
 - c. Review the annual prospectus of each organization.
 - d. Review any objections from the Luther community in regard to a charter approval.
 - e. Make available for community inspection all charter applications for a period of three days.
- C. Criteria for charter acceptance:
 - a. No illicit use of drugs or alcohol.
 - b. No abusive use of alcohol.
 - c. Three or more acceptable service projects per year; one must be a community service, and two must be campus service projects.
 - d. Incidences and nature of disciplinary action.
 - e. Objections to approval from the Luther community.
 - f. Support for approval from the Luther community.
 - g. Contribution to quality of student life and campus life.
 - h. Compliance with the college Mission Statement.
- D. Powers: The review board shall have the power to:
 - a. Accept the charter submitted.
 - b. Accept the charter with conditions or restrictions.
 - c. Refuse the charter application.

- E. Grievance and appeal: Any organization wishing to appeal a board decision must submit a written petition to the Co-curricular Committee chairperson within five (5) days after being notified of the denial of their charter. The written petition may include a request for a hearing with the review board.

8.1.8 Organizations are subject to Article 6.12.4 as are individuals should an event they sponsor result in organization members or guests violating 6.12.4.

8.2.1 Student organizations with a constitution or those groups which are accorded these same privileges are subject to college policies, advantages and regulations the same as individual students. Organizational violations of college regulations on campus or at college-sponsored events off campus shall be cause for disciplinary action against the organization and/or individuals of the organization.

8.2.2 In concurrence with Article 7.3.2.4, the student organizations are subject to sanctions for violating college policy, regulations, and guidelines. These sanctions are noted in 7.3.2.4 and 7.3.2.5.

8.3. On-campus Activities

8.3.1 Procedures and Responsibilities

8.3.1.1 The student organization must assume the responsibility for the proper conduct of the activities in accordance with the prevailing federal, state, and local laws as well as college regulations and policies. The responsibility to see that the social activity is conducted in accordance with these regulations and policies rests with the student organization officers. This responsibility should include:

- A. Preventive measures. Inform members of the organization of what is expected in regard to social activities.
- B. The conduct of the activity be such that individuals in attendance can participate or refrain from participating on a voluntary basis - without undue peer pressure.
- C. Observe stated college regulations, federal and state laws concerning alcoholic beverages and drugs. Local ordinances regulating disturbances of the peace must also be observed.

8.4. Off-campus Activities

8.4.1 Student organizations are responsible to the college for the activities of their members as follows:

- A. Students who are traveling in a college-initiated function, such as groups representing athletic or forensic teams, musical or dramatic performances, activities of student congregation, etc.
- B. Students and student organizations traveling to and from and in attendance at college-initiated functions.
- C. Students participating in activities organized or sponsored by a student group, but not necessarily college-initiated.

8.4.2 Luther College does not bear responsibility for student-initiated off-campus activities. Groups engaged in such must assume responsibility for their conduct to themselves, the public, and the civil authorities.

The Luther College Hearing Board shall also function as the Social Fraternity/Sorority Hearing Board. The purpose of this committee will be to investigate and determine the responsibility in grievances filed against social fraternities, sororities, and/or particular individuals, and to assess the proper sanctions to an organization found guilty.

- A. The board shall use the following principles to guide their deliberations:
 - a. Membership selection practices shall allow for fair access to all students seeking membership.
 - b. Pledge activities shall be conducted in such a manner as to respect the dignity and self-esteem of each pledge both on and off campus.

- c. Greek organizations shall conduct themselves both on and off campus in ways that reflect favorably on the college and do all in their power to eradicate negative behaviors.
 - d. Greek organizations shall foster attitudes and practices that respect individual differences in behavior, opinion, and practice.
 - e. Greek organizations shall foster attitudes and encourage the achievement of academic excellence by all of its members.
 - f. Greek organizations shall follow practices which uphold the dignity of all human beings and avoid practices that are sexist or racist in character.
 - g. Members and officers of Greek organizations shall be responsible both individually and collectively for the activities of all of their members both on and off campus at all organizationally sponsored events.
- B. Grievance Procedure. A grievance may be filed by anyone and submitted to the committee chairperson or sent to the Luther College Hearing Board c/o Student Engagement. Grievances must be filed within two weeks of the alleged violation. The committee will make the necessary investigation which includes notification of the organization involved. They will then decide responsibility by a simple majority vote.
- C. Sanctions. The following sanctions may be imposed by the the Luther College Hearing Board upon individuals or the entire organization:
- a. First offense
 - i. Damage to personal property:
 - 1. Written apology to party involved with a copy sent to chairperson of the Social Fraternity/Sorority Hearing Board.
 - 2. Make proper restitution (financial).
 - 3. Perform a service project to party involved approved by the Luther College Hearing Board.
 - 4. Organizational fine: \$5 per member payable to the Luther College Hearing Board (includes whole membership and not just parties involved).
 - ii. Damage to public property:
 - 1. Written apology to local newspaper with a copy sent to the Luther College Hearing Board.
 - 2. Make proper restitution.
 - 3. Perform a public service project approved by the Luther College Hearing Board.
 - 4. Organizational fine: \$5 per member payable to the Luther College Hearing Board.
 - iii. Public embarrassment to the college:
 - 1. Written apology to Luther College students and administration as well as the public with a copy sent to the Luther College Hearing Board.
 - 2. Perform a public service project approved by the Luther College Hearing Board.
 - 3. Organizational fine: \$5 per member payable to the Luther College Hearing Board.
 - iv. Infringement on pledge's civil rights (drinking, hazing, etc.):
 - 1. Loss of advertising privileges, fund-raising activities, and self-sponsored campus events.
 - 2. Luther College service project approved by the Luther College Hearing Board.

3. Organizational fine: \$5 per member payable to the Luther College Hearing Board.
- b. Second offense
 - i. Damage to personal property
 1. Same as first offense with the following exception: Organizational fine—\$10 per member payable to the Luther College Hearing Board.
 - ii. Damage to public property:
 1. Same as first offense with the following exception: Organizational fine—\$10 per member.
 - iii. Public embarrassment to the college:
 1. Same as first offense with the following exception: Organizational fine—\$10 per member.
 - iv. Infringement on a pledge's civil rights:
 1. Loss of next pledge class.
 - c. Third offense
 - i. Organization: Recommendation for immediate revocation of charter.
 - ii. Additional information:
 1. Second offense does not have to be under the same category of the first offense.
 2. Organizational fines must be submitted to the Luther College Hearing Board within five days from the date of judgment with penalty being the suspension of one's charter until payment is due.

Hazing

Luther is concerned about the emotional, psychological, and physical health and well-being of its students. According to Luther’s mission statement, “As people of all backgrounds, we embrace diversity and challenge one another to learn in community, to discern our callings, and to serve with distinction for the common good ... we strive to be a community where students, faculty, and staff are enlivened and transformed by encounters with one another.”

Hazing, by its very nature, is an activity that is counter to Luther’s mission statement. Student organizations, teams, ensembles and groups are expected to conduct themselves in accordance with the mission statement and the Code of Conduct, which follows in part:

As a community, we share a dedication to creating an environment that supports trust, respect, honesty, civility, diversity, free inquiry, creativity, and an open exchange of ideas ... For the benefit of the community, the Code of Conduct limits certain behaviors and activities. It also attempts to protect the academic integrity, health, welfare, safety, rights, and property of the college community.

Any form of hazing is unacceptable and is in direct conflict with institutional values related to the rights and dignity of students, all of whom have the right to belong to organizations, teams, ensembles and groups without risk of danger or humiliation that hazing can produce. Consent to hazing is never a defense to a violation of this policy. The express or implied consent of the victim will not be a defense. Apathy or acquiescence in the presence of hazing by any community member are not neutral acts; they are violations of this rule. Additionally, hazing can occur in a variety of settings including on and off campus and in both private and public spaces.

Luther expects its students to be familiar with the Mission Statement, Code of Conduct and the Hazing Policy. Violations of the policy will be addressed through the College’s disciplinary process and may result in loss of recognition, forfeiture of competition, or other sanctions. Officers and members of organizations, teams, ensembles and groups may be held individually responsible for violations of the hazing policy. Hazing can disrupt a student’s learning and social experiences by negatively interfering with classroom, organizational, residential and workplace activities.

New members of organizations, teams, ensembles and groups can expect to participate in educational and fun activities that build teamwork and camaraderie among all members. Such activities are intended to create a sense of identity and commitment within a group and are generally acceptable and encouraged. Students should check with the appropriate staff, advisors, sponsors, and/or coaches if there is any question about an activity constituting hazing. All organizations, teams, ensembles and groups are recommended to review the [Constructive Team Building Ideas](#).

There are two primary conditions that create a hazing dynamic:

1. New members often wish to be accepted, either formally or informally, into any group, and will submit to hazing in order to be included. Because of this, consent to be hazed does not excuse hazing. Students have died or been seriously injured as a result of participating in activities to which they have “consented.” The psychological pull to be accepted is so strong that hazing victims cannot be expected to resist hazing, even if the hazing is presented as optional. That this pull can be so coercive should make this need to prohibit this conduct, to any degree, undeniably clear.
2. Any activity that places new members in a subservient position to experienced members creates an unhealthy and unsafe power dynamic in which control has been yielded to the experienced member. New members in any organization should expect to be introduced, oriented, and

trained about the organization, team, ensemble and group mission/values/traditions, but membership in any experience that puts a new member in a lesser role, unrelated to the original conditions for membership or mission, is inappropriate and unfair to the new members. Any activities of membership should be equally shared among experienced and new members.

Definition

Luther College prohibits hazing by individuals or organizations, teams, ensembles and groups and defines it as follows:

Hazing is any reckless or intentional act, occurring on or off campus, that produces physical, mental, or emotional pain, discomfort, humiliation, embarrassment, or ridicule directed toward other students or groups (regardless of their willingness to participate), that is required or expected of new members and which is not related to the mission of the organization, team, or group. This includes any activity, whether it is presented as optional or required, that places a new member in a position of servitude as a condition of membership. Any activities of membership should be equally shared among experienced and new members. Prohibited acts of hazing include those covered under Iowa State law.

Though it would be impossible to list all behavior that could be deemed to be hazing, the following are some typical examples of hazing and are prohibited:

- Any physical act of violence expected of, or inflicted upon, another
- Any physical activity expected of, or inflicted upon, another, including calisthenics
- Pressure or coercion of another to consume any legal or illegal substance
- Making available unlawful substances
- Excessive fatigue or sleep deprivation as a result of any activities
- Forced exposure to the weather
- Kidnapping, forced road trips, and abandonment
- Required carrying of or possessing of a specific item or items
- Servitude (expecting a new member to do the tasks of an experienced member)
- Costuming (required dress) and significant alteration of appearance
- Line-ups and berating
- Coerced lewd conduct
- Degrading games, activities or public stunts
- Interference with academic pursuits
- Violation of College Code of Conduct
- Assignment of illegal and unlawful activities

Alleged violations of this policy will result in campus disciplinary action and may be subject to criminal prosecution. Any retaliation against any person who reports, is a witness to, or is involved with or cooperates with the adjudication of hazing is strictly prohibited. Student disruption to classroom, workplace, and other functions as a result of any hazing activity may result in removal from class or the workplace.

Reporting Hazing

Luther community members may report acts of hazing whether directly experienced or observed to Campus Safety and Security or the Office of Student Engagement. Reporters may provide anonymous reports of hazing activities but must include specific information related to the organization, team, or group; the time and date of the alleged hazing; the location; and a

description of the activities. The description should be written with specific details as to allow a proper investigation to take place.

- [Public Reporting Form](#)

Iowa State Statute on Hazing (708.10)

1. a. A person commits an act of hazing when the person intentionally or recklessly engages in any act or acts involving forced activity which endanger the physical health or safety of a student for the purpose of initiation or admission into, or affiliation with, any organization operating in connection with a school, college, or university. Prohibited acts include, but are not limited to, any brutality of a physical nature such as whipping, forced confinement, or any other forced activity which endangers the physical health or safety of the student.
b. For purposes of this section, "forced activity" means any activity which is a condition of initiation or admission into, or affiliation with, an organization, regardless of a student's willingness to participate in the activity.
2. A person who commits an act of hazing is guilty of a simple misdemeanor.
3. A person who commits an act of hazing which causes serious bodily injury to another is guilty of a serious misdemeanor.

Human Subjects Review Board/Surveys and Research

Students, and other participants, should be aware of their rights and potential outcomes when participating in any survey or research. To that end, any human-subjects-related research and survey conducted at the college must have prior approval from the Human Subjects Review Board (HSRB). For more information or approval requests, contact Stephanie Travers, Associate Professor of Psychology, x1254, travst01@luther.edu.

Involuntary Leave of Absence

I. Introduction

Luther College is a community of scholars whose members include its students, faculty, and staff. As a community, we share a dedication to creating an environment that supports trust, respect, honesty, civility, diversity, free inquiry, creativity, and an open exchange of ideas.

Luther College is dedicated to a learning environment where all students can thrive. When a student experiences a crisis, is in distress, or exhibits concerning behaviors, Luther College remains committed to supporting that student while also preserving the safety and security of the Luther College community and its members.

The college's student Code of Conduct reinforces the concept that students have rights: the right to be treated as individuals within the disciplinary process; the right to be protected from arbitrary, capricious, or malicious acts on the part of other members of the community; and the right to study, learn, live, and work in an environment free from behavior that could disrupt the college's functions, cause injury to persons, or cause damage to or loss of property.

This policy is not intended to replace disciplinary actions taken in response to violations of other Luther College policies. A student who commits a violation of any Luther College policy before requesting and being placed on a voluntary leave or being placed on involuntary leave may be required to respond to such charges before being considered for re-admission. An interim suspension may also be issued in accordance with the conduct process.

This policy will not be invoked unless the student's behavior is of such a serious nature that the continued presence of the student at Luther College is determined to threaten (A) the safety, well-being or health of members of the Luther College community, or (B) the ability of that student or others to engage in the college's curricular, co-curricular, and residential programs.

This policy outlines the individualized process that will be utilized when a student engages in behaviors that may necessitate an involuntary leave of absence from Luther College or the activation of other conditions or restrictions.

II. Direct Threat Standard

In situations where a student poses a threat to the health and safety of the Luther College or wider community or its members, or has seriously disrupted others in the residential community or academic environment and a reasonable accommodation is not available, the Dean of Student Engagement will convene the Student Life Threat Assessment Team (may include but is not limited to the assistant Dean of Student Engagement, the director of Counseling Service, the director of Campus Safety, and the director of Residence Life) to make an individualized and objective assessment of the student's ability to safely participate in the academic and residential life of Luther College. The assessment will be based on a reasonable judgment relying on the most current, documented medical records and/or the best available objective evidence.

The assessment will determine:

- The nature, duration and severity of the risk;
- The probability that the potentially threatening injury or event will actually occur;
- Whether reasonable modifications of policies, practices or procedures will sufficiently mitigate the risk.

To rise to the level of a direct threat, there must be a high probability of substantial harm and not just a slightly increased, speculative, or remote risk.

The individualized assessment may result in Luther College requesting or requiring that the student take a leave of absence, or imposing restrictions to address the health or safety threat or disruption to the community.

III. Procedures

The Dean of Student Engagement, or designee, is responsible for determining whether a student has met the threshold that initiates the application of this process. In making the determination, the Dean of Student Engagement or designee will make an initial individualized and objective assessment which will include reviewing available documentation and consulting with other Luther College officials as appropriate and feasible under the circumstances.

A. Review and Decision Process

To determine whether a leave of absence or other measures are warranted, the Dean of Student Engagement or designee will:

- a. Review all available documentation of the student's behavior.
- b. Consult with other Luther College professionals including representatives across Student Engagement, Academic Affairs, professors, and individuals from other departments as appropriate and feasible. This consultation may occur at or in conjunction with a Student Life Threat Assessment Team meeting.
- c. Review relevant medical documentation, as available. As situations allow, students may be asked or required to release relevant medical information from their treating provider to Luther College's Student Life Threat Assessment Team.
- d. Seek, when appropriate, involvement and cooperation from parents or guardians.
- e. Use all available information gathered to make an individualized assessment of the student's behaviors, using the direct threat standard, to determine if a leave of absence or other administrative measures are necessary to address the health and safety concerns or to address the disruption to the community.
- f. Meet with the student, if feasible, to review the reasons why a leave of absence is being considered, providing an opportunity for the student to respond and give relevant medical information or other materials.

When a determination is made that an involuntary leave of absence is necessary, the student may be offered the opportunity to take an emergency leave of absence, voluntarily, or, if appropriate, agree to other administrative conditions in order to remain at Luther College.

If the student is incapable of responding on their own behalf, or if the student elects not to respond to inquiries or directives of the administration, Luther College reserves the right to either place the student on an involuntary leave of absence or impose administrative restrictions as a condition of remaining at Luther College.

Involuntary leaves of absence take effect immediately. Students may not attend class or other activities of the college and must vacate their residential housing assignment immediately. The student's card access will be deactivated.

B. Temporary Measures

If a threat to health and safety or threat of community disruption presents an immediate risk of harm, the Dean of Student Engagement or designee may implement immediate administrative measures such as a temporary involuntary leave of absence or restriction on a student's access to the campus (including housing, services, classes, activities, and facilities) until the Dean of Student Engagement or designee is able to review the matter and make a determination using the above process.

C. Conditions of Leave and Return

If the student is placed on an involuntary leave of absence or agrees to an emergency leave of absence, voluntarily, under this policy:

- a. Conditions for an involuntary leave of absence and any conditions to apply for re-enrollment will be provided to the student in writing. Any conditions for the leave and return will be individualized to the student and designed to help ensure that the health and safety or concerns of disruption are resolved and the student is qualified to return. Requests to return should include a written personal statement about the student's recovery during time away, a letter from a licensed medical or psychological professional who has been holistically involved with the student's treatment, and signed release forms to allow campus personnel to communicate with the student's providers. Conditions for return may also include compliance with treatment plans, examination by independent or Luther College contracted health professionals, release of relevant medical records, interviews, and a demonstrated ability to meet Luther College's academic and student conduct standards.
 - b. If the student takes a leave of absence - voluntarily or involuntarily, by the end of the second week of the semester, all courses enrolled in for the semester and not yet completed are deleted from the student's record. If a student withdraws from a course after the second week of classes and before the fifth week of classes, the student will have the "WR" transcript notation assigned to all their courses. After the beginning of the fifth week of the semester, the student will have the "W" transcript notation assigned to all of their courses. Refunds for a semester in progress are granted according to the Financial Services process. Seven-week courses will be notated according to the College's Catalog.
 - c. Leaves of absence are not documented on student transcripts.
 - d. Although a request for return will be assessed whenever requested by a student, involuntary leaves of absence are generally for a period of no less than six months.
- D. Appeal Process

A student who has been placed on an involuntary leave of absence from Luther College or been subject to other restrictions or conditions may appeal this decision. The student must submit the appeal and the reason(s) why the appeal should be granted within five (5) business days of notice of the involuntary leave of absence or other measures. The student must submit the appeal and the reasons supporting the appeal to the Dean of Student Engagement or their designee for review. The Student Life Threat Assessment Team will conduct the appeal review. The review will include an assessment of relevant documentation, and may include a consultation with Luther College officials, and/or the student. The decision on the appeal will be communicated to the student within five (5) business days from the day the appeal was submitted, unless the circumstances require more time, in which case the student will be notified. During the appeal period and process, the student will remain on leave or subject to other imposed conditions. If an appeal is denied, the decision is final and no further appeal is permitted.

If a student believes that they have been discriminated against, they have the right to seek a review of such concerns under the College's Non-Discrimination Statement.

Leave of Absence

A leave from Luther College is granted to students who wish or need to take time away from their studies for a variety of reasons, including employment opportunities, personal or family circumstances, to gain perspective on their academic and career priorities, or if their health interferes with successful full-time study. Students wishing to take such a leave should contact the Office of Student Engagement prior to the start of classes for any semester to request a leave. During the semester of leave, normal billing at Luther will be curtailed, and the college will maintain a fully refundable financial deposit with Financial Services to maintain the student's eligibility for housing and course registration priorities for the return semester.

For financial aid purposes, students on a leave of absence under this policy are treated as withdrawals beginning with the day after their last day of attendance. As such, any student loans obtained prior will enter their applicable grace or repayment period. When a student returns from a leave of absence, institutional merit aid is reinstated as long as renewal criteria were being met when the student went on leave. Financial aid derived from federal, state and institutional need-based sources will be calculated based on the FAFSA pertaining to the period of the student's return.

While there is no firm deadline for projecting a leave of absence, students should project the leave before the beginning of classes in a semester; a leave may not be projected after classes have begun. Students leaving Luther after classes have begun need to withdraw and are subject to loss of academic credit and full or partial loss of tuition as shown under the [Tuition, Room, and Board Refund Policy](#). To withdraw, students should email the Office of Student Engagement at students@luther.edu.

Note also that no transfer credit can be given for any non-Luther courses that a student may take while on a leave of absence. Students wishing to transfer credit from another institution must be approved for Itinerant Status in accordance with the procedures and deadlines outlined in the academic catalog. All questions regarding a change in enrollment should be directed to the Office of Student Engagement.

Luther College's primary source of communication with students during their leave of absence is their Luther email address.

Failure to return to Luther College after a one semester leave of absence will result in the student's automatic withdrawal.

Approved by Senior Leadership Council, December 2023

No Contact Directive

PREAMBLE

Conflict is a part of the life experience. Our Luther community comprises people with different beliefs, backgrounds, opinions, and experiences, and it's not uncommon for us to process information through our own lenses and to disagree with one another. Sometimes conflict can be disruptive for students, causing undue stress as they pursue their academic and co-curricular responsibilities and commitments. We believe our students should treat each other with respect and dignity even during times of discord. We also believe students should first try to navigate conflict by proposing their own resolutions to situations, thereby developing the critical life skill of communicating unwelcome behavior. When conflicts can not be resolved by the involved parties and a situation seems to be escalating within our Luther community, the Office of Student Engagement, through the Director of Rights & Responsibilities, may issue a No Contact Directive when there exists a reasonable concern for physical and/or psychological harm that may result from contact.

The college encourages students and others to report incidents that concern them even if the behavior and incidents may not rise to a policy violation. Early reporting assists the college in addressing and correcting situations before they become so severe, pervasive, and overly offensive that they create a hostile environment.

No Contact Directives (NCDs) are remedial tools for de-escalating conflict and creating distance. NCDs can limit proximity, distance, interaction and/or the nature of contact. NCDs are mutually agreed upon expectations moving forward. To be effective, NCDs rely on compliance and agreement by the parties upon whom expectations are imposed. NCDs are enforced after an agreement is signed; violations for non-compliance can be processed as disciplinary. For the most part, NCDs can prevent further discord and may have the value of expanding the sense of personal safety for a student. (revised language from ATIXA)

Listed below are five criteria that the Director of Rights & Responsibilities would use to determine whether an NCD should be issued on a case-by-case basis. The Director of Rights & Responsibilities may issue a No Contact order if there exists a reasonable concern for physical or psychological harm that may result from contact. An NCD will not appear in the disciplinary history of either party unless an individual violates the NCD agreement. An NCD does not constitute a pending charge or violation of college policy. NCD can be an interim measure or it may last throughout or through the tenure of a Luther student. The NCD will be reviewed annually to be modified and/or extended as the Director of Rights & Responsibilities deems necessary.

Sexual Misconduct

If there is a report or complaint of allegations or a current investigation involving a policy violation in regard to Title IX. (May contain, but not limited to, prohibited conduct in which a Luther student is involved, including sexual harassment, sex offenses, stalking, dating violence, sexual contact, nonconsensual intercourse, and domestic violence.)

Formal Process

If there is a pending or current formal hearing board process. This may be applicable to all parties related to the incident including witnesses(es) per request. In certain situations, the institution may require a No Contact Directive despite the objection of the involved party(ies).

Physical Violence

If an individual has been hurt, injured, or experienced any form of unwanted physical abuse.

Bias Incident

If unwanted contact is based on bias incident against a person's age, color, creed, disability, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, or veteran status.

Concerning pattern of behavior

If the Office of Student Engagement determines concerning behavior evidenced by threats, intimidations, or significant risk of emotional/psychological harm is likely or is a significant risk from continued contact between students. Retaliation. Luther College students, faculty, and staff are free to act, without fear of reprisal. Any act of retaliation will result in appropriate disciplinary action. Similarly, persons who use this process to bring frivolous or otherwise bad faith allegations against a member of the Luther College community shall be subject to disciplinary action. The college reserves the right to institute temporary measures to respond to reported incidents of retaliatory harassment or discrimination pending the completion of any applicable complaint resolution process.

Nondiscrimination Statement

It is the policy of Luther College to provide equal educational opportunities and equal access to facilities for all qualified persons. The college does not discriminate in employment, educational programs, and activities on the basis of age, color, creed, disability, gender identity, genetic information, national origin, race, religion, sex, sexual orientation, veteran status, or any other basis protected by federal or state law.

Religious Groups, Organizations, and Activities at Luther College

Luther College is an educational institution of the Evangelical Lutheran Church in America (ELCA), independently incorporated under the state laws of Iowa. The regular meeting of the corporation is held at the time of the biennial churchwide assembly of the ELCA and acts to approve amendments to the Articles of Incorporation and Bylaws, and ratify election of members to the Board of Regents. The following policies of the college in respect to religious groups, organizations, and activities on its campus as well as the ministry are consistent with its denominational identity.

- A. Luther College affirms the ecumenical concerns and interdenominational relationships of the ELCA and seeks to promote knowledge of and respect for all religious beliefs. Its practices of interfaith religious services and activities will be consistent with the policies of the ELCA.
- B. The college desires to cooperate with local congregations of all denominations in ministering to students of each such denomination enrolled at Luther College. The college will also assist those congregations in their ministry to students by publicizing congregational worship services and programs designed to serve those students.
- C. The college reserves the right as a church institution to determine which religious organizations, groups, and activities are consistent with its ecumenical goals and to promote their growth and function while at the same time reserving the right to limit access to the campus to groups and organizations which it deems inconsistent with these goals.
- D. Christian ministry and teaching on the Luther campus shall be conducted only by those clergy or lay church leaders who are employed by the college or are formally invited by the proper authorities of the college for that purpose. No advocate of any religious faith or persuasion may have access to the campus for the purpose of propagating that belief without formal permission from a campus pastor.
- E. Weddings. Facilities at Luther College are not available for wedding ceremonies. However, wedding receptions may be scheduled. Contact the Catering department for information on venues, costs, and available dates.

Student Activities Participation Eligibility Requirements

Luther College provides a variety of educational, social, spiritual, and service organizations to which students may belong. Participation in these organizations is encouraged as a means of developing leadership skills, improving academic and social skills, and becoming an active member of the Luther community.

Eligibility Requirements

1. **Equal Opportunity.** It is the policy of Luther College to provide equal opportunity for all qualified persons in its educational programs and activities. The college does not discriminate on the basis of race, creed, handicap, national origin, age, sex, or sexual orientation in its programs and activities.
2. **Eligibility.** Full-time student status is required for participation in student organizations and college-sponsored activities. Students may participate when groups continue activities (such as group tours) immediately after the regular semester calendar, or in January. In such cases, the student must have been enrolled as a full-time student for the previous semester. Exceptions to the full-time status include situations where students are in academic transition to graduation and do not need full credit loads to graduate. The Dean of Student Engagement may grant other exceptions for part-time student participation. The faculty committee that monitors academic progress may restrict participation in recognized campus organizations or activities for any student who has been dismissed or is on academic probation. Participation in intercollegiate athletics is also subject to the eligibility requirements established by the National Collegiate Athletic Association (NCAA) and the Iowa Intercollegiate Athletic Conference (IIAC). Please consult with intercollegiate athletics for specific requirements.
3. **Non-Students.** Most student organizations, activities, and access to privileges within the college community are intended for enrolled and degree-seeking students. The vice presidents may authorize exceptions that allow participation of non-students (includes the category of community enrolled and reduced rate students) for events, activities and organizations within their respective administrative areas.

Student Presence on Campus While Separated from the College

Students who have been separated from the college through suspension or expulsion for code of conduct reasons, or have received a no trespass order from the College do not have the rights and privileges accorded to **full-time enrolled** Luther students. Such students are expected to visit campus only with permission, given in advance, by the Office of Student Engagement. Failure to abide by this expectation may adversely affect the decision to readmit a student.

Reviewed/updated: November 29, 2021

Student Senate

Luther College Student Senate Constitution

Student Senate Mission Statement

Student Senate is the primary means for students' participation in the governance of the Luther College community. Our mission is to serve Luther students and student organizations by providing them with resources to achieve their goals and to connect faith with learning and service with responsibility.

I. Name

The name of this organization shall be the Student Senate.

II. Eligibility

All full-time Luther students are eligible for membership on Student Senate.

III. Duties of the Student Senate

- A. Serves as a forum for student concerns and opinions. Holds at least one public open forum discussion per semester on any item of interest to student life.
- B. Makes recommendations to the Campus Life Board on changes in the Luther Code.
- C. Serves as a consulting body on all matters affecting students for Student Engagement staff, administrators, and faculty committees. (Makes recommendations on and interpretations of existing regulations in the Student Handbook to those persons and collects and evaluates student opinion about student issues.)
- D. Meets with the Luther College President twice per semester to discuss important college-wide issues.
- E. Selects six of its members to serve on the Faculty Campus Life Board and serves as a consulting body for that committee.
- F. Appropriates expenditures from the Student Senate account.
- G. Develops and implements programs it feels are necessary and proper in benefiting the student body, the college, and/or the Decorah community.
- H. Directs and assigns committee responsibilities.

IV. Membership

- A. The following officers shall be elected in the spring semester prior to their taking office.
 - a. Student Senate President
 - b. Student Senate Vice President
 - c. Student Senate Secretary
 - d. Student Senate Treasurer
- B. The following 30 positions constitute Student Senate:
 - President
 - Vice President
 - Secretary
 - Treasurer
 - Student Activities Council President
 - Luther Congregation President
 - Senior Class Representatives (3)
 - Junior Class Representatives (3)
 - Sophomore Class Representatives (3)
 - First Year Class Representatives (3)

- Student Liaison to City Council
- Diversity Center Representative to the Board of Regents
- Diversity Center Representatives (5)
- Wellness Representative
- Inter-Greek Council Representative
- Student Academic Support Center and Americans with Disabilities Act Representative
- Environmental Representative
- Student-Athlete Advisory Committee Representative

C. Notes on Senate Positions.

1. The President and Vice President run as a pair for election.
2. Class representatives for the senior, junior, and sophomore classes are elected in the spring on a date selected by Senate. Candidates will need to be of the designated class standing for the following fall, per credit hours as defined by the Registrar's Office.
3. Class representatives for the first year class are intended to be one representative from each hall, and elected on a date in the fall determined by Residence Life.
4. The Diversity Center Representative to the Board of Regents is appointed by the Diversity Council. (The Diversity Council determines a specific process for this position and the other five appointments, which could be elections.)
5. The Diversity Center Representatives are appointed by the Diversity Council. These positions, that is, the composition of representations (not the individual persons), are to be approved by Senate.
6. The Wellness Representative is appointed via a process determined by the wellness program.
7. The Inter-Greek Council (IGC) Representative is appointed by IGC.
8. The Student Academic Support Center (SASC) and Americans with Disabilities Act (ADA) Representative is appointed by a process determined by SASC.
9. The Environmental Representative is appointed via a process determined by the Environmental Studies Program.
10. The Student-Athlete Advisory Committee Representative is appointed via a process determined by the Student-Athlete Advisory Committee.
11. Except as noted with the first-year representatives, the intent is that all other positions are elected or appointed in the spring for the following year.

V. Meetings and Procedures

- A. The Senate shall meet at least two times every month during the months of October, November, December, February, March, April, and May, and at other times on the call of the President, vote of the Assembly, or by petition of ten or more Senate members.
- B. A quorum shall be necessary to conduct business with a majority of the membership constituting a quorum.
- C. All Senate meetings shall be open to the public.
- D. The minutes of each meeting shall be made available via media as determined by Senate.
- E. Notification of each meeting shall be published in at least one college publication prior to the meeting.
- F. The Senate may form ad hoc committees at its discretion.

- G. The Senate shall in conjunction with its advisor appropriate expenditures from the Student Senate account.
- H. Attendance is required at all Senate meetings, however, in such cases when a member must miss a meeting, that member is required to notify any Senate officer before the meeting.
- I. A Senate member is allowed three (3) absences a year. After missing twice a warning will be given, and a fourth absence constitutes action by the Senate which can follow Section VIII and/or X of the Constitution on recall.
- J. A member who knows they are going to miss a Senate meeting may ask a proxy to represent them (which does not count as an absence), however, proxies may not vote on motions and it should be understood that proxies should not be used more than 3 times within the school year.
- K. Although it is on the honor of each member to report sickness, sickness will count as one of the three absences.

VI. Election Procedures for Student Senate Officers and other Positions

- A. Time of the Elections
 - 1. Officers for the Senate shall be selected in spring elections prior to the school year in which they take office.
 - 2. The campus-wide election shall be held on "Reading Day" in the spring. In the absence of "Reading Day" Senate shall determine another acceptable date.
- B. Applying for Office
 - 1. Applications for each office will be available in the Office of Student Engagement one month before the election.
 - 2. The deadline for returning applications is two weeks before the election.
- C. Election Committee
 - 1. The Student Senate President shall organize an election committee at the beginning of spring semester.
 - 2. At least two of the members of this committee should be of at least sophomore standing or above.
 - 3. The advisor to the Student Senate or their designee, shall be a member of this committee and oversee voting on election day.
 - 4. The election committee shall annually review the "Election Guidelines," revise as needed, and present them to the Senate annually prior to the election process.
 - 5. The Election Committee is responsible for the following duties:
 - A. To make sure the "Election Guidelines" are followed and carried out by the candidates and the committee.
 - B. To nominate a slate of possible candidates for the Senate, realizing that nominating is only a form of encouragement and that one doesn't have to be nominated in order to run for office.
 - C. To produce the Senate Campaign/Election Newspaper, separate from the campus newspaper, which, at minimum, shall include the list of declared candidates. This newspaper must be made available to the Luther community at least 3-4 days before the election.

- D. To sponsor (and advertise) an "elections" open forum. This must be held at least 2-3 days before the election, and will provide, but not necessarily require, the opportunity for candidates to meet other students.
- E. To make sure candidate "position statements" are present at the voting booths on election day. Candidates will be provided the opportunity, but not be required, to provide a picture.

VII. Vacancy of a Student Senate Office

- A. In the case of a vacancy in the position of President of the Senate, the Vice President shall assume the duties and responsibilities of that office.
- B. If vacancies occur in the positions of Vice President of the Senate or Secretary/Treasurer, they shall be filled by a special campus-wide election conducted by the Senate.
- C. Other Senate vacancies. Student Senate shall determine on an "as needed" basis, the manner by which they fill vacant Senate or committee seats as they become available. While elections of some form are an option, they are not required.

VIII. Recall of Student Senate Officer

If any of the officers fail to meet the duties and responsibilities of their positions, they may be recalled by a three-fourths vote of the Student Senate members. Such a ballot may be taken upon the formal presentation of a petition bearing the signatures of one-fifth of the student members of the Senate.

IX. Membership of Campus Life Board

- A. The following six Student Senators are the student members of the Campus Life Board:
 - President
 - Diversity Representative to the Board of Regents
 - Four additional members selected from among the Senators

X. Election Procedures for Student Members to College Committees

- A. Student Senate will elect and appoint internal and external committees as needed.
- B. Although most committees will involve senators, Senate may decide to solicit non-senators for some committees. Depending on timelines, practicality, and nature of the position, Senate will decide whether or not to give public notice regarding these opportunities.
- C. Senate, by three-fourths vote, may recall committee members for failure to fulfill responsibilities.

XI. Board of Regents Representatives

- A. The student representatives to the Board of Regents shall consist of:
 1. Student Senate President
 2. Luther College Congregation President
 3. Student Activities Council President
 4. Diversity Center Representative to the Board of Regents
- B. The student representatives to the board shall attend all meetings of the board and shall attend the particular committee meeting of which each representative is a member.
- C. These representatives shall be prepared to present a report to the Senate at the calling of the Senate President.

XII. Amendment Procedures

- A. Amendments to the “Student Senate Constitution Procedures” shall be accepted by a three-fourths vote of the Student Senate and shall become an official part of this document at that time.
- B. Any amendment that changes the Senate Election Procedures for student members of the Senate must be sent to the Campus Life Board for approval before it becomes an official part of this document.

College Governance - Student Input

Students have had a long and healthy tradition of participation in the workings of Luther College. In May 1997, the faculty voted to restructure the governance system and eliminated numerous permanent committees. This also eliminated many permanent student committee positions. Some of the traditional committee input from students will be replaced by involvement on ad hoc committees, departmental committees, special appointments, or newly-defined subcommittees. Student Senate appoints six seats for the Campus Life Board. There are also four student representatives to the Board of Regents. Students interested in participation and governance issues should contact the Student Senate president, or the Student Senate advisor, located in the Office of Student Engagement.

Student Worker Responsibilities

Work Assignments

Student work awards are made based on the assumption that each student is enrolled full-time and will be on the Luther College campus during the semester(s) for which work is awarded. January term is included with second semester awards unless other arrangements are made. Should students decide to participate in academic programs off campus or co-curricular activities which make it impossible to complete their work awards, they will be expected to notify the Student Employment Office and their supervisor.

Scheduling and Performance

Every effort will be made to coordinate work hours with each student's class schedule and the work needs of the college. The Student Employment Office will provide assistance to students who have not secured work after making a reasonable attempt on their own. Students, as employees, are expected to fulfill the responsibilities of their work assignments.

Absences

If for any reason students are unable to work on a given day, they must notify their supervisors in advance of their usual reporting time. In certain departments, students may be required to find a replacement. Failure to show up without notice is grounds for disciplinary action.

Termination/Reprimands/Appeals

Students who wish to reduce or terminate their work assignment before the end of a semester or academic year may do so by notifying their supervisors. Generally, two-week notice is requested in order to allow sufficient time to find a suitable replacement.

Student work assignments may also be terminated by supervisors for just cause, including reasons such as refusal to work, violation of job rules, insubordination, habitual tardiness, unexcused absences, misconduct, endangerment to life and/or property, possession of alcohol or drugs, working under the influence of alcohol or drugs, or deliberate actions which make equipment function improperly.

Generally, students will be informed in writing by their supervisors of any inappropriate behavior, with copies of the reprimand sent to the student and the Student Employment Office. Students for whom three reprimands are issued in a school year will be terminated from employment. A student may be terminated without written reprimand if the nature of the inappropriate behavior warrants immediate dismissal. Luther College is not responsible for helping terminated students find other work assignments or replacing any unearned work-study earnings with other forms of financial aid.

Students may appeal termination decisions by submitting an appeal to the Student Employment Office. The Director of Financial Aid is responsible for gathering information reflecting both student and supervisor perspectives and forwarding it to the Student Employment Committee for review.

The appeal process may result in: reinstatement of work, immediate reassignment without penalty, placement on a work-study waiting list for possible reassignment, or forfeiture of the right to any student-work assignment.

Payment

Student workers are required to complete I-9 forms and state and federal W-4 forms prior to starting in their work study position. The I-9 form need only be completed once while at Luther. It is the

responsibility of each student to have valid W-4 forms and I-9 forms filed with the Student Employment Office. If a W-4 form is not received, a figure of zero (0) allowance will be used in calculating tax withholdings. Timecards will not be processed until the I-9 form is completed and a "stop work" notice will be issued for students who have neglected this obligation.

Students are generally paid on an hourly basis. By law, students must record only those hours actually worked and those hours must be recorded on the actual date worked. Timecards for previous months must be submitted to the supervisor no later than the second day of each month. Cards submitted after the second day of each month may not be processed until the following month.

Students will receive earnings statements on approximately the 14th day of each month reflecting work completed through the last day of the previous month. Statements will also indicate year-to-date earnings. Students should monitor year-to-date earnings closely to ensure that the amount earned matches the amount on their timecard. Students should also monitor their earnings so they do not exceed their assigned work allocation.

Finally, each student is encouraged to complete a direct deposit form so earnings can be deposited electronically to the proper account.

Voter Registration Information

Luther College is required by the federal government and by the State of Iowa to provide information to students on voting and voter registration. Luther will assist in registering new voters and will provide voter registration forms.

Students who are U.S. citizens have the following options for choosing the place of residence when they register to vote:

- Students may register to vote using the school address as their place of residence. Luther students, irrespective of their home state or county, may register to vote as a resident of Winneshiek County, Iowa by completing the Iowa Voter Registration Form. Completed forms should be sent to the Winneshiek County Auditor's Office, 201 W. Main St., Decorah, Iowa 52101.
- Students may register to vote in the state and county of their home address. Iowa residents should complete the Iowa Voter Registration Form and submit it to the county auditor's office at their home address. Students from other states should complete the National Voter Registration Form and submit it to the state election commission.

Students are encouraged to obtain additional information about voting at:

- [United States Election Assistance Commission](#)
- [National Voter Registration Form](#)
- [Iowa Voting and Elections Information](#)
- [Iowa Voter Registration Form](#)

Students may also obtain additional assistance and information from the Office of Student Engagement.

Last Reviewed: Feb 23, 2016

Withdrawal from Luther College

Students who wish to withdraw from the college, or withdraw from all courses during the semester, must initiate the process by contacting the Office of Student Engagement. This procedure applies whether the decision to withdraw occurs during the semester, or at the conclusion of the term. The approval of the Office of Student Engagement allows the appropriate offices to terminate the enrollment status of the student according to a specific date.

Tuition and fees are refunded as shown under the Tuition, Room, and Board Refund Policy. Students who have withdrawn and wish to return to Luther must reapply for admission by contacting the Office of Student Engagement.

Reapplication requires a statement of intent to return and supporting evidence for readiness to rejoin the college. The Academic Standing Board will review the requests from students who were on probation at the time they withdrew, or who were academically dismissed from the college. Applications for readmission are reviewed twice a year, in January and June. The Dean for Student Engagement and the Associate Provost will review the requests from other students who were not on probation at the time they withdrew and who were not academically dismissed from the college.

Approved by Senior Leadership Council, December 2023

Administrative Withdrawal

In rare circumstances, students may experience situations that significantly inhibit their ability to function successfully and safely in their role as students. When such circumstances arise, Luther College encourages students to voluntarily withdraw for a period of time so they may address their needs. It is also possible that the College may administratively withdraw a student who does not voluntarily withdraw. Examples of reasons where an administrative withdrawal may be used include:

- Student poses a threat to the health and/or safety of the Luther College or wider community or its members; or
- Student has seriously disrupted others in the residential community or academic environment and a reasonable accommodation is not available; or
- Student is not attending courses for which they are registered, or attendance and work for the courses are erratic and the student does not respond appropriately to reasonable requests from faculty instructors, their academic advisor, the Registrar's Office, the Financial Aid Office, the Office of Student Engagement, and/or other College personnel for explanation of nonattendance.

The following is how Administrative Withdrawals are typically processed:

1. There must have been at least one interactive, good-faith conversation with the student about their needs and the institution's expectations.
2. The Dean of Student Engagement, or designee, will convene the Student Engagement Threat Assessment Team to make an individualized and objective assessment of the student's ability to safely participate in the academic and residential life of Luther College. The assessment will review all available materials, which may include professors, relevant medical records, behavioral contracts, parental or guardian support to determine
 - a. The nature, duration, and severity of the risk;
 - b. The probability that the potentially threatening injury or event will actually occur;
 - c. Whether reasonable modifications of policies, practices or procedures will sufficiently mitigate the risk.
3. The College notifies the student of the withdrawal and the option to appeal in writing. If a student is classified as a dependent student on the tax returns for their parent(s) or if the student has

otherwise authorized disclosure of educational records to their parent(s)/ guardian(s) under FERPA, the Office of Student Engagement notifies the student's parent(s)/guardian(s)

4. Administrative Withdrawals take effect immediately. Students must vacate their residential housing and not attend any college activities.
5. Conditions for an administrative withdrawal and any conditions to apply for re-enrollment will be provided to the student in writing.[1] These conditions should help the College answer the question “Can the student safely and effectively participate in the education program at this time?” at readmission.
6. During a withdrawal, all enrolled courses will have a “W” or “WR” transcript notation assigned to all their courses by the Office of Student Engagement in conjunction with the Registrar’s Office.
7. A student who has been placed on an administrative withdrawal or has been subject to other restrictions or conditions may appeal this decision within five (5) business days to the Dean of Student Engagement or their designee for review. A decision will be communicated to the student within five (5) business days from the day the appeal was submitted unless circumstances require more time.
8. If a student believes they have been discriminated against, they have the right to seek a review of such concerns under the College’s Non-Discrimination Statement. A concern may be filed via a bias report.
9. Students withdrawn through the administrative withdrawal process may be reviewed by the Threat Assessment Team to determine readiness to return to Luther College.

Any student wishing to withdraw or take a leave of absence from Luther College has the responsibility of initiating the process. An official withdrawal is initiated by the Office of Student Engagement, who can be reached at students@luther.edu.

Approved by Senior Leadership Council, December 2023

Parking and Traffic Policies and Procedures

The motor vehicle registration and parking program at Luther College is designed to provide a maximum of parking area consistent with the maintenance of the natural beauties of the campus, the use of available parking space in the best interests of the total college, and the achievement of as equitable an arrangement as possible for allocating parking privileges to students on the basis of residence in relation to distance from the campus.

A [complete listing](#) of regulations is available. If you have a vehicle and operate it within Decorah, you must register it at the Welcome Center in the Dahl Centennial Union.

7.3.5 Traffic Hearing Board

A Traffic Hearing Board shall be established for the purpose of arbitrating grievances between the office responsible for campus motor vehicle regulations and persons subject to these regulations, and to impose sanctions and render judgments which are not unilaterally made by persons charged with policing parking facilities and motor vehicle operations.

7.3.5.1 **Composition:** The Traffic Hearing Board shall be made up as follows:

- A. Three full-time students, one commuting student, and two resident students, appointed by the Campus Life Board, from nominees submitted by the Student Senate.
- B. One member of the faculty selected according to the pattern employed for establishing the membership of faculty on college committees/boards.
- C. One member of the administration (excluding the Chief Administrative Officer in charge of traffic) selected by the administrative staff.
- D. One support staff member determined by the support staff.
- E. Two students, one faculty, and one administrator shall also be selected in the same manner as prescribed above to serve as alternates. In cases where regular members are absent from the campus or are unable to attend, the chairperson shall have authority to call alternate members in order that a quorum may be established.
- F. The administrative officer responsible for traffic and parking policies or their representative shall serve as an ex-officio member, with no vote, as advisor to the board. He or she shall not be present during the contemplation of the board's eventual decision.
- G. At the first meeting of the academic year, the voting members of the Traffic Hearing Board shall select from among their number a chairperson. The chairperson shall appoint one member of the board to serve as secretary.
- H. Appointment of members to the Traffic Hearing Board (as prescribed above) shall take place during the fall of each year and be affirmed by a majority of the members of the Campus Life Board. They shall assume their duties at the beginning of the fall semester.
- I. Removal of members shall be initiated by the Campus Life Board and affirmed by two-thirds of the members of the Campus Life Board.

7.3.5.2 **Jurisdiction:** The Traffic Hearing Board shall have jurisdiction in the following areas:

- A. Original Jurisdiction: The board shall have original jurisdiction over:
 - a. Cases involving offenders and violations indicating disciplinary action in addition to or rather than a fine.
 - b. Cases involving offenders who have received a citation or citations and have failed to comply with the payment of fines.
 - c. Cases involving requests for re-registration of a motor vehicle after a person's registration has been suspended or denied re-registration by an administrative officer.

- B. Appeals: The board shall consider all appeals from persons of the Luther community concerning automobile registration, parking, and traffic fines.

7.3.5.3 Process: The procedural rules of the Traffic Hearing Board shall include the following:

- A. In cases of original jurisdiction or appeals, the accused shall be accorded the full right of due process as outlined in [Article 7.2](#) of the Judicial/Disciplinary Processes section in this handbook.
- B. Appeals of registration, parking, and traffic citations must be submitted through the Campus Safety and Security Office, in writing, within ten (10) days after their issuance.
- C. The board shall meet with frequency to insure efficient and timely adjudication, with no less than a quorum of five members, and each decision shall be affirmed by a majority of the board.
- D. The board shall not consult the past record of the accused before deciding guilt or innocence. The board does have the right to look at the offender's past record once it has determined guilt, to set an appropriate sanction.
- E. Reasonable time extensions for the student's inability to appear shall be granted.
- F. Records of proceedings shall be kept, including the name of the officer issuing the citation and the accused involved, the violation, the decision of the board, the reasons therefore, and the sanction imposed. All records of the Traffic Hearing Board proceedings shall be secured under separate file in the Campus Safety and Security Office.

7.3.5.4 Decisions:

- A. Cases involving original jurisdictions: After hearing a case, the board may decide as follows:
 - a. Not held responsible: No violation of traffic regulations have been determined.
 - b. Responsible: A violation of a traffic regulation has been determined. In this case, the Traffic Hearing Board shall have the specific power to reduce the amount of the fines, if in the board's opinion extenuating circumstances warrant it. In the case where the individual is held responsible, in addition to any fines already assessed or reduced, the board may select from the following penalties.
 - i. Warning Probation: A probation indicating that further motor vehicle violations may result in more serious disciplinary action. This probation shall be imposed for a specified period of time, and the subject shall be automatically removed from probation when the imposed period expires.
 - ii. Suspension of Registration: The board may suspend the subject's registration and operation of a motor vehicle on the Luther campus for a definite period of time not to exceed one year.
- B. Cases involving appeals: After hearing an appeal, the board may decide as follows:
 - a. Appeal upheld: No violation of traffic regulations has been determined in which case the citation shall be waived.
 - b. Appeal denied: A violation has been upheld.
 - c. Appeal denied in part: A violation of a traffic regulation has been upheld, but extenuating circumstances, in the board's opinion, warrant a reduction in the amount of the fine.

Last Reviewed: Feb 23, 2016

Residence Life Policies and Procedures

Luther College is a residential college and strongly believes that life in the residence halls is an integral part of a total [liberal arts](#) education. The Residence Life Office is committed—through the combined efforts of professional and student staff—to help shape a residential environment that supports and stimulates students’ academic, personal, and interpersonal learning and development. We are committed to helping students integrate their learning inside the classroom with their rich experiences in the residence halls. We strive to support the development of true communities in our residence halls, communities of faith and learning that are respectful, supportive, purposeful, and intentionally structured.

The following Residence Life Policies and Procedures help to define the expectations for community living at Luther. It is the responsibility of each student to become familiar with the policies and procedures outlined in this document, as well as those outlined in other documents, including but not limited to: Luther Code of Conduct, Alcohol and Other Drugs Policies and Procedures, College Catalog, and other publications outlining student expectations, rights, and responsibilities.

1. GENERAL HOUSING INFORMATION

Residency Requirement

Luther College is a residential college. All full-time students are required to live in college-owned housing unless married, 25 years of age by the first day of classes, or commuting from their legal guardians’ homes within 30 miles of campus. Off-campus living is limited and is permitted for students only when there is a shortage of rooms in college residence halls. Students must receive written permission to live off campus.

Board Plan Requirement

Students who reside on campus are required to participate in the College board plan. Students in Baker Village, Prairie Houses, apartments with kitchens and Sustainability House are not required to be on a board plan. The current board rate can be found under the [Office of Financial Services webpage](#).

BEGINNING FALL OF 2020, THE RESIDENCY REQUIREMENT WILL MOVE FROM 23 TO 25 YEARS OF AGE BY THE FIRST DAY OF CLASSES FOR OFF-CAMPUS HOUSING.

Student Move-In and Checkout

Students residing in a residence hall must check in with the Hall Director/Area Coordinator or appropriate residence life staff member upon arrival. Each resident will complete a Room Condition Report (RCR) form indicating the condition of the room and its furnishings. Students are encouraged to be accurate when completing the RCR, as charges can be levied for damages, missing items or lack of cleanliness upon checkout. Students have one week from the date of their check-in to return the RCR to the appropriate residence life staff members. Failure to do so will result in a \$25.00 fine for improper check-in.

In order to ensure an efficient and thorough checkout process, students are required to schedule a checkout time 24 hours in advance of their checkout with a residence life staff member. At the time of checkout, all of the student's personal belongings must be out of the residence hall and the room should be in the same state of cleanliness as it was upon check-in. Failure of this requirement may result in a \$100 improper checkout fine. The residence life staff member will go through the RCR and note any changes in condition of each item. Damages and missing items will result in fines in order to pay for replacement and repairs.

Housing (Room and Board) Refund Policy

Students who withdraw from all classes at the College will be subject to the College's policies and procedures for the refund of the comprehensive fee (which includes room and board). These applicable policies and procedures include the Financial Aid Office's policy statements on Dropping Classes and Withdrawal from Luther, the Financial Aid Refund Policy for Title IV federal financial aid, and/or the Refund Policy for Student Reservists or National Guard Called to Duty.

Students who are suspended or dismissed through College disciplinary processes must vacate their rooms within 24 hours. No room and board will be refunded, unless the student received federal Title IV financial aid and is dismissed prior to completing 60 percent of the semester. In that case, the federal financial aid will be refunded in accordance with the College's Financial Aid Refund Policy and applicable federal regulations.

Notwithstanding anything in this Policy the contrary, if the College determines it is in the best interest of its students to close the residence halls due to an epidemic, pandemic, riot, civil unrest, insurrection, sabotage, act of terrorism, act of war, rebellion, act of God, or other reason of a like nature that is beyond the control of the College, then all students shall be required to move out of the residence halls pursuant to instructions provided by the College and the College shall not be required refund any portion of a student's room and board fee, except as otherwise required by law.

January Term Housing Information

Luther College students that are registered for classes and housing during the fall or spring semester may live in the residence halls during January term if they meet one of the following criteria:

- are enrolled in a January term class with Luther College
- are working on campus for six or more hours a week
- are participating on an athletic team that has in-season practices and competitions
- are participating in rehearsals under the supervision of a Luther College faculty/staff member
- are an international student
- or live 350 miles from campus and resided on campus during the winter break

In order to best preserve and ensure the safety of the community, students will be asked to register for on-campus January Term housing on the Residence Life Office's website. Students who have not registered and thus not approved to be in campus residential facilities will be asked to leave campus.

Students may also be referred for a violation of the Luther College Student Code of Conduct. If a student withdraws from their registered course or discontinues their engagement with any of the other above listed experiences, they will be expected to vacate their campus housing for the duration of the January Term. Only students who need to be on campus during January term should be residing on campus.

Common Area Standards

All students residing in the residence halls are responsible for respecting all common spaces within the building. Common areas include, but are not limited to: lounges, kitchens, bathrooms, hallways, etc.

The following is a list of common area expectations:

- Hallways must remain unobstructed; items must not be left in hallways to ensure a clear path for exit in case of a fire.
- Bikes are not allowed to be placed or stored within hallways, lounges, or stairwells.
- Kitchen must remain clean, including cleaning and removing all dishes from the common space along with cleaning up after oneself.

- Any damage to furniture or college-owned items, beyond normal wear and tear, is the responsibility of the residents of the community.
- All college-owned furniture must remain in their designated areas.
- Residents of each room are expected to keep their room and residential common areas clean and neat. Necessary cleaning materials may be obtained from the hall's Service Center. Disregard will result in assessments billed to the responsible individual or prorated to the residents who use that space.

Community damage charges may need to be assessed at times to cover the costs of replacement of damaged items, repair of damaged items, or cleaning of the common area. If the individual(s) responsible for damage cannot be identified, charges will be divided among the students of the community.

Room Decoration

Students are encouraged to decorate their rooms to provide a comfortable and personal atmosphere. Consideration for safety and respect for college property must be regarded.

- No college owned furniture may be removed from a student room.
- Painting of student rooms is not permitted.
- Nails, adhesive stickers, decals, self-adhesive Velcro strips/squares, and other devices or materials which cause damage may not be used on room interior, woodwork, or doors. The two-sided adhesive pads are particularly damaging to woodwork and paint. Masking tape, poster putty, and 3M Removable Strips and Hooks are recommended for hanging room items.
- Tampering with electrical systems (e.g., installing dimmer switches, ceiling fans, etc., or altering wiring) is prohibited for the safety of all residents and the general upkeep of the building.
- No dry erase boards on residence hall room doors.
- All fixed room furnishings and accessories, such as built-in closets and storage units, lights and other permanent structures, may not be removed or altered by residents. If such alterations occur, Facilities Services will be asked to return it to its original condition and residents will be charged.

2. ROOM SELECTION AND OCCUPANCY

Room Draw Process

The room draw process occurs late in the spring semester and provides students the opportunity to select a room and roommates for the upcoming year. The room draw process assigns priority for housing based on class standing; the process is designed to give next year's senior class first priority, the junior class second priority, and sophomore class third priority. Class standing is determined by the Registrar based on credit hours earned. In order to participate in room draw, students must be registered for the following fall semester.

Roommate(s)

It is the responsibility of each returning student to find their own roommate(s). To select a room at room draw, students must have the capacity number of people to fill the room.

Choice is Binding

A student is entitled to one housing choice each academic year. Room and roommate(s) choice is binding unless the student officially withdraws from Luther College. Any changes would incur a \$100 penalty.

Vacancies

If at any time after room draw the occupancy of the room drops below capacity, the remaining resident(s) can expect that the vacated space(s) will be filled. Effort will be made to allow the remaining resident(s) a choice in filling the vacancy. The Residence Life Office has the right to assign a student to a room without prior consent of the person(s) currently living in the room.

Room Changes

Room changes are permitted for students if and when roommates are having adjustment problems and for other special circumstances. Prior to a room change being approved, students are expected to have made a good faith effort toward resolving the roommate situation. This includes discussing the situation with the Resident Assistant or professional staff member, and completing a roommate conference if requested. Four basic criteria must be met for a change to occur: 1) student(s) involved have attempted to resolve roommate situation, 2) vacant space is available, 3) students affected have consented to the change, and 4) the Residence Life Office has approved the change.

Break Housing

The residence halls are closed during the two official college breaks (Christmas Break and Spring Break). Several designated residence halls will remain open to provide housing. Students who have been approved by the Residence Life Office to remain on campus during the break periods will be asked to secure housing in another student's room in one of the designated break housing buildings. During all other academic breaks, residence halls will remain locked for student safety, but will be accessible to residents assigned to those buildings with their building access key or ID card.

A student must be enrolled for the next term (January) in order to be eligible to remain on campus during the Christmas break. Requests for exceptions to this policy will be reviewed by Residence Life in consultation with other campus offices such as Student Engagement, Center for Intercultural Engagement and Student Success, and Financial Aid.

At the beginning of each break, the residence hall staff complete safety and energy checks. With decreased occupancy during breaks, there is greater potential for fires/sprinkler concerns to remain undetected until severe damage has occurred. Inspections include checking for potential fire hazards and electrical problems and observing energy conservation concerns (such as broken or open windows, heat regulation, insulation around windows). Students are expected to meet with hall staff promptly concerning problems found during break inspections.

3. ROOM AND ACCESS KEYS

Room Keys

At check-in, each resident will receive one room key. Throughout the year this key will be the responsibility of the student. Lost or stolen keys should be reported immediately to the hall director or the Residence Life Office to ensure the safety of the student and their belongings. The student will complete a Key/Core Replacement Form to initiate the process. A \$35 charge for a lost or stolen key will be assessed to change the lock and cut a new key. A charge of \$50 will be charged for failure to return the key at the time of checkout.

Access Keys/Cards

All residence halls except for the college owned houses, Baker Village, and College Apartments are secured by a card access system. Upon check-in, a student's Luther College identification card is activated to provide 24/7 access to their residence hall. In addition to one's own residence hall, each student has 8:00 a.m.–10:00 p.m. access to the other halls on campus. Students in college owned houses, Baker Village, and College Apartments will be issued an access key that will permit access to their housing unit. A \$35 charge for a lost or stolen key will be assessed to change the lock and cut a new key. A charge of \$50 will be issued for failure to return the key at the time of checkout.

Access Doors

The outside doors of each residence hall will be locked at all times. Anyone found propping open outside doors may be subject to disciplinary action and/or a \$100 fine. Emergency phones are located at the main entrance of each residence hall and at several other locations for personal safety and security reasons.

Lock-Outs

Residents that are locked out of their room should first contact their hall director or resident assistant to open their door. Campus Safety and Security can also assist if a residence life staff member is not available. All students receive one free lockout while additional lockouts are a \$5 charge.

4. ROOM ENTRY AND INSPECTION

Entering Student Rooms

Entry by unauthorized student or college personnel into student rooms, unless by prior consent of occupant(s), is forbidden. Hall Directors and Resident Assistants are authorized to enter student rooms for purposes of enforcing stated college regulations. Entry of this nature does not require an authorization to search.

Inspection of Student Rooms

Residence hall rooms/apartments and college-owned houses may be inspected in the interest of maintaining or protecting college property at any time by those in charge of the hall/house or by administrative staff and maintenance employees of the institution. Any college property provided for use in lounges or other public places found in rooms may be removed without recourse of search procedures; any room may be inspected at any time for the purpose of locating misplaced property of the college. Disciplinary action may be initiated subsequent to the recovery of the property.

Search of Student Rooms and Personal Possessions of Students

Except under emergency circumstances in which the safety or life of a person(s) is in danger, students' rooms and possessions of students shall not be searched unless appropriate authorization has been obtained. The Dean of Student Engagement or their designee shall provide the searcher written authorization before the search is conducted specifying the reasons and the objects or information sought. The student should be present, if possible, during the search. Students may also be subject to search by local authorities under warrants issued in a court of law.

5. PERSONAL PROPERTY

Personal Property

Luther College does not carry insurance on personal property of students and is not responsible for loss of or damage to such property, including property stored in lockers, storerooms, student rooms, or any storage spaces. Students use these spaces at their own risk. The college will not be held responsible for any property of students left in or delivered to the residence halls. It is strongly encouraged that students check their family insurance for coverage and, if necessary, purchase private personal property insurance from a reliable company.

The safekeeping of student property is the responsibility of each individual. Rooms should be locked at all times and personal property secured. Any theft or vandalism should be reported to the Hall Director/Area Coordinator and to the Campus Security Office immediately.

Lost and Found

Lost and Found collection areas vary by buildings. If an item is lost residents should check with a residential hall staff member or custodial staff member. The Mail Center and Welcome Desk also serve as campus-wide Lost and Found locations.

Abandoned Property

All items left in student rooms after closing are considered abandoned property and will be discarded.

6. HEALTH AND SAFETY

Fire Safety Information

Fire safety policies and procedures are outlined in a number of documents, including but not limited to: the Luther Code of Conduct, Housing and Dining Contract, portions of the Safety and Security website, and related city, state, and/or federal laws. In order to ensure a safe environment, the Residence Life staff will conduct official room inspections during each fall, winter, and spring break. Room inspections may take place during other times as well. During inspections, prohibited items will be confiscated and fire safety fines will be assessed for policy violations.

Any violations to policy will be taken seriously. Sanctions, therefore, may include any or all of the following:

- \$25 minimum fine per prohibited item or for failure to evacuate during an alarm.
- \$250 individual fine for false fire alarm, tampering with fire safety equipment, or setting a fire.
- \$500 community fine (if individuals cannot be found and held accountable for false fire alarm or tampering with fire safety equipment).
- Administrative conduct hearing with the Director of Residence Life.
- Social probation for the remainder of the current academic year.
- Possible legal ramifications including prosecution by college officials or outside agencies.

The following activities, some of which can activate fire alarm systems, are prohibited in the residence halls:

- Throwing balls, Frisbees, and other objects.
- Shooting water or other objects.
- Spraying paint, liquids, or other objects.
- Using power saws and other electrical tools.

- Tampering with any fire safety equipment.
- Obstructing door exits or propping open fire safety doors.
- Hanging items from the ceiling, over light fixtures, or smoke detectors.
- Placing items within 18 inches of sprinkler heads.
- Covering more than 50 percent of room walls or 10 percent of room doors with decorative items.
- Failure to immediately evacuate upon alarm.
- Placing items within three feet in front of heating/cooling units.

Elevator Safety

Elevators located within the residence halls are provided for use by residents of that building, guests, and department staff. The following actions are prohibited:

- Damage or vandalism of the elevators.
- Use of emergency alarms other than in an emergency situation.
- Jumping within the elevator to cause damage.

Smoke Free Campus

In accordance to the Iowa Smoke Free Air Act, Luther College is a smoke free campus. This act prohibits smoking, including the use of e-cigarettes, 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 and distribution of tobacco products (see Alcohol and Other Drugs Policies and Procedures).

Prohibited Possessions

For various health and safety reasons, many items are prohibited in the residence halls and college-owned houses. Prohibited items include, but are not limited to:

- Extension cords, multiple plug adapters, and surge protectors with more than 6 outlets. You are permitted, however, to have one UL-approved surge protector with 6 or less outlets per resident for computer and auxiliary equipment. Any appliance with a heavy electrical draw, such as a hair dryer, refrigerator, decorative lights, or coffee maker, must be plugged directly into a wall outlet and not a power strip.
- Wireless Routers.
- Satellite dishes or powered antenna devices.
- Candles, candle warmers, incense, oil lamps, halogen torchiere lamps, spider lamps, and open flames.
- Smoking and illegal drug paraphernalia.
- Flammable substances such as gasoline, cleaning fluids, lighter fluid and mineral spirits.
- Motorized vehicles such as motorcycles and mopeds.
- Hoverboards and similar devices, including Swagways, IO Hawks and Skywalkers.
- Live Christmas trees, other live holiday greenery, and large decorative bulbs.
- Fireworks and other explosives.
- Firearms, ammunition, swords, switchblades and other dangerous knives, bows and arrows, slingshots, pellet guns, paintball guns and all other weapons. Students living in college-owned housing who wish to have a weapon for hunting purposes can store their

weapons and ammunition with Chase the Adventure (phone 563-532-9821). If you are aware that another student or other individual possesses a handgun or other weapon in violation of this policy, you should immediately report the conduct issue to Luther College Safety and Security.

Electrical Appliances

Some electrical appliances create fire or health hazards; other appliances do not, and are permitted in the residence halls (such as air popcorn poppers, coffee makers with automatic shut-off, hot pots, fans, irons with automatic shut-off, refrigerators less than 3.2 cubic feet, and non-halogen lamps). Prohibited appliances include, but are not limited to:

- Toasters, toaster ovens, hot plates, broilers, pizza ovens, sandwich grills, electric frying pans, electric grills (George Foreman-type grills), NuWave Ovens, deep fryers, and instapots/pressure cookers.
- Microwaves.
- Space heaters.
- Air conditioners.
- Desktop burners and other appliances with an open heat coil or induction burner.
- Heated blankets/bedding.

Cooking

Residence hall rooms are not equipped for students to safely and sanitarily cook. For the safety of all residents, cooking is not permitted in standard residence hall rooms. Cooking is permitted only in college-designated kitchen areas.

Windows and Screens

Residence hall screens are not to be unhooked or removed from windows. Residents will be charged for the total cost of reinstalling, repairing, or replacing damaged or destroyed screens. Windows are not to be used for entrances or exits. Residence hall windows should remain closed during periods of below freezing weather. No items (including flags, banners, posters, signs, or speakers) may be placed in, hung from, attached to, or hung out of windows. Standard house plants, fans, and seasonal decorations within three weeks of the holidays are permitted.

Refrigerators

Residents are allowed to have one refrigerator under 3.2 cubic feet in size in each room. Refrigerators may not be placed in closets. There must be proper circulation behind the unit to allow the heat that is displaced to be circulated.

Recycling and Trash

Blue recycling bins are provided in each residence hall room. All halls offer larger bins for sorting recyclables. Residents are responsible for ensuring the community recycling areas are neat and used correctly. Exterior trash containers are located outside each hall where all residents are expected to properly dispose of their personal trash. Residents must not leave trash in the hallway or other common areas of the hall. Failure to properly dispose of garbage and recycling may result in charges to the resident.

Lofts and Construction

Luther College does not allow students to construct their own bed-lofting structures. Personally constructed lofts are not able to be properly inspected for adequate levels of safety in accordance with the college's liability concerns. False walls, partitions, or platforms are also not allowed in any of the residence halls.

Pet Policy

Animals present a definite health concern to residence hall living because of disease and allergies and potential damage to the buildings in the form of stains and odor. Pets, with the exception of fish (no piranhas), are not permitted in college housing. Pets are prohibited from entering residence halls even on a visiting or temporary basis. In accordance with the Fair Housing Act, emotional support animals are allowed if deemed necessary after completion of the Emotional Support Animal application through Disability Services.

7. INTERVISITATION/GUESTS/QUIET HOURS AND COURTESY HOURS

Intervisitation

Students in all residence halls may be on floors assigned to the opposite sex between 8:00 a.m. and 2:00 a.m. on weekdays (Sunday-Thursday). On weekends (Friday and Saturday), the visitation hours (8:00 a.m.-2:00 a.m.) will remain in effect for students living in designated first-year areas. For individuals living in areas not designated for first-year students, open visitation will exist on Friday and Saturday nights.

Although the college has established visitation hours, a student's right to study, sleep, and exercise control over their personal space takes precedence over the right to host guests. The Residence Life Office/Office of Student Engagement will actively intervene if conflicts arise between roommates with respect to the intervisitation policy.

In all residence halls, an escort policy will be in effect on weekends, from midnight to 2:00 a.m. in first-year residence spaces and until 8:00 a.m. in other residences. Each host is responsible for escorting a guest on and off the residence hall floors during those times. Residents are required to inform all guests of Luther College policies. In cases where the guest of a resident violates a college policy, the hosting resident will be subject to student conduct consequences.

Cohabitation (living together) with persons other than designated roommates is not permitted.

Residents of the college are not permitted to sublease, rent, or share their living space with any individual(s) that are not on the housing roster as assigned by the Residence Life Office. This includes but is not limited to posting the residence for rent, such as on Airbnb.

Hosting Guests

Students are encouraged to inform their Resident Assistant/Hall Director of guests of the same sex (if staying for 48 hours or longer). Providing guest information helps to ensure a safe environment in the residence halls and is useful in the event of a hall emergency.

Courtesy and Quiet Hours

Courtesy hours are enforced 24-hours each day. During courtesy hours, residents are expected to act in a manner that demonstrates respect for the rights of others to study and sleep in their rooms. Residents shall not make or allow any improper or disturbing noises in the building, sing or play musical instruments, watch television, or use their radio or stereo in a way or at a time which might be objectionable to other residents.

Quiet hours are from 11 p.m. to 11 a.m. each day. During quiet hours, noise should not be audible outside of a resident's room with the room door closed. In addition, creation of noise disturbances in the corridors and bathrooms is unacceptable. These times ensure a quiet atmosphere conducive to studying and sleeping. The hours may be expanded in either direction, but not shortened.

Last revised August 1, 2018

Last Reviewed: July 6, 2017

Student Sexual Misconduct Policies and Procedures

POLICY: Sexual Misconduct (non-TIX) Policy Statement

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 misconduct are inconsistent with our educational mission.

This policy covers incidents that occur in locations not covered or dismissed under Title IX and incidents of sexual misconduct that are not included in the Department of Education’s Title IX definitions. While cases addressed under this policy will closely mirror those that are determined to be alleged violations of Title IX, there are some differences related to the process.

1. Glossary

- *Advisor* means a person chosen by a party, to accompany the party to meetings related to the resolution process, to advise the party on that process, and to support the party at the hearing, if any. Advisors may be present to consult with during a Hearing, but may not ask questions or make comments during the hearing. Advisors cannot view case materials independently from the party.
- *Campus Appeals Board* is comprised of three members including one faculty member—typically the chairperson of the Faculty Interest Committee, one student—typically the President of the Student Senate, and the Dean of Student Engagement. The appeals board will consider party appeals in regard to a decision reached by the Hearing Board.
- *Complainant* means an individual who is alleged to be the victim of conduct that could constitute sexual misconduct. At the time of filing the complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College.
- *Complaint* (formal) means a document filed/signed by a Complainant or signed by the Title IX Coordinator alleging harassment against a Respondent.
- *Hearing Board* (“Board”) refers to those who have decision-making and sanctioning authority within the College’s Formal Grievance process. The Board is comprised of faculty, staff and students.
- *Investigator* means a person or persons charged by the College with gathering facts about an alleged violation of this Policy, assessing relevance, synthesizing the evidence, and compiling this information into a final investigation report and file of directly related evidence.
- *Privacy* means that information related to a complaint will be shared with a limited number of Luther College employees who “need to know” in order to assist in the assessment, investigation, and resolution of the report. Privacy is distinct from confidentiality (see above).
- *Respondent* means an individual who has been reported to be the perpetrator of conduct that could constitute sexual misconduct or retaliation.
- *“Student”* includes all persons taking courses at Luther College, either full-time or part-time. Persons who withdraw or are suspended after allegedly violating the Code of Conduct, who are not officially enrolled for a particular term but who have a continuing relationship with Luther College or who have accepted offers of admission are considered students, as are persons who are living in Luther College residence halls, although not enrolled in this institution.

2. Rationale for Policy

The core purpose of this policy is the prohibition of all forms of sexual misconduct, which includes sexual assault, dating, and domestic violence, stalking, and sexual exploitation. 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, fair and equitable report/complaint resolution process, 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; 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.

3. Applicable Scope

To establish a procedure for preventing and remediating reports and complaints of sexual misconduct, which includes sexual assault, dating violence, domestic violence, stalking, and sexual exploitation as defined herein, as well as retaliation against an individual for exercising rights under this policy. It is intended to ensure that the College's policies and procedures related to sexual misconduct are interpreted and applied consistently with the Code of Conduct, Title IX, the Clery Act, and other applicable law.

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.

The College's scope under Title IX is limited to its educational programs or activities, as well as any building owned or controlled by a student organization that is officially recognized by the College, such as a fraternity or sorority. The College's scope under Title IX is also limited to conduct against a person that occurs in the United States. This policy covers locations that are not controlled by Luther College and that involve a Luther College student(s). For example, an incident that is reported to have occurred off campus such as a local apartment/house or international study away program.

Any person may file a complaint alleging sexual misconduct against a student under this policy. If a report or complaint does not fall under the College's scope under Title IX, the College will utilize this policy and the related procedures to respond to claims of sexual misconduct. The College may still take action for such alleged conduct based on the nature of the alleged conduct, including under the College's Bias Incident, Hate Act, Hate Crime, Discrimination, and Harassment Policy and Procedures. Additionally, if the Respondent is unknown or is not a member of the College's community, the Director of Student Rights and Responsibilities and/or Title IX Coordinator will assist the Complainant in identifying appropriate campus and local resources and support options and/or, when criminal conduct is alleged, in contacting local or campus law enforcement if the individual would like to file a police report. Further, even when the Respondent is not a member of the College's community, supportive measures, remedies, and resources may be accessible to the Complainant by contacting the Title IX Coordinator. In addition, the College may take other actions as appropriate to protect the Complainant against third parties, such as barring individuals from College property and/or events by issuing a No Trespass Order. When the Respondent is enrolled in or employed by another institution, the Director of Student Rights and Responsibilities and/or Title IX Coordinator can assist the Complainant in coordinating with the appropriate individual at that institution, as it may be possible to allege violations through that institution's policies. Similarly, the Director of Student Rights and Responsibilities and/or Title IX

Coordinator may be able to coordinate for a student or employee Complainant who experiences discrimination in an externship, study abroad program, or other environment external to the College where sexual misconduct or nondiscrimination policies and procedures of the facilitating or host organization may give recourse to the Complainant.

4. Title IX Coordinator

The Title IX Coordinator, along with the Director of Student Rights and Responsibilities, oversees implementation of the College's policy on sexual harassment. The Title IX Coordinator has the primary responsibility for coordinating the College's efforts related to the intake, investigation, resolution, and implementation of supportive measures to stop, remediate, and prevent sexual harassment, and retaliation prohibited under the Title IX policy and implements this sexual misconduct policy as well.

5. Steps to Take Immediately Following Sexual and/or Physical Violence

If a person experiences sexual and/or physical violence, many do not know where to turn for help or what steps to take. Although the choices about which options to explore rest with the victim, those who experience sexual or physical violence should consider the following steps:

1. **Contact local law enforcement (911).** The Title IX Coordinator, Deans of Student Engagement, or other member of the Title IX Team can assist with contacting law enforcement, but no victim/supervisor is required to contact law enforcement. You can also file a report with Safety and Security by calling 563.387.2111 (available 24x7).
2. **Seek immediate medical attention.** Those who experience sexual and/or physical violence are strongly encouraged to seek immediate medical attention at an area hospital or medical clinic, such as:

Winneshiek Medical Center 563.382.2911

(SANE exams covered free of charge within 5 days)

Riverview Center (sexual assault advocacy) 563.380.3332

Helping Service (domestic and partner violence advocacy) 563.387.1720

Please be aware that hospital personnel may be obligated to contact proper authorities regarding reported violence. Although you are not obligated to do so, those who experience sexual and/or physical violence are highly encouraged to take advantage of victim's services to help understand options for off-campus proceedings and receive counseling.

3. **Preserve Evidence.** In the event of a sexual assault, if at all possible, do not change clothes, shower, bathe, douche, defecate, or urinate prior to seeking medical attention. Emergency room personnel are trained to check for injuries, as well as collect physical evidence. It is important to preserve evidence for the proof of a violation of this Policy or of a crime should you decide to pursue charges through law enforcement. If you have not changed clothes, bring a change of clothes with you to the hospital, if possible, as they will likely keep the clothes you are wearing as evidence. Do not disturb the scene-leave all sheets, towels, etc. that may bear information for the police to collect. You should also consider preserving texts, emails, social media posts, or other documentation as evidence for either a College resolution process or law enforcement action.
4. **Confidential Resources.** If a Complainant would support from confidential resources, the Complainant may speak with:

On-Campus **Confidential** Resources:

Health Service, X1045 located in Larsen Hall

Luther College Counseling Service, X1375 located in Larsen Hall

Campus Ministries, X1040 located in CFL

Off-Campus **Confidential** Resources:

Winneshiek Medical Center 563.382.2911

(SANE exams covered free of charge within 72 hours)

Riverview Center (sexual assault advocacy) 563.380.3332

Helping Service (domestic and partner violence advocacy) 563.387.1720

National **Confidential** Helplines:

National Sexual Assault Helpline 800.656.HOPE

National Resource Center for Domestic Violence 800.799.SAFE

Legal Resources:

Iowa Coalition Against Sexual Assault & Domestic Violence 515.244.7424

Iowa Public Defender: 515.242.6158

Iowa, through the office of the Crime Victims Assistance Division, recognizes how culture, language, race, trauma, and healing can intersect with victimization. Below you will find a list of cultural specific centers available in our state:

Amani Community Services

Services for African American Survivors

Crisis Line: 888-983-2533

Office: 319-232-5660

Website: www.amani-cs.org

Deaf Iowans Against Abuse (DIAA)

Services for Deaf, Hard of Hearing and Deaf-Blind Survivors

Crisis Line - V/VP: 319-531-7719

Crisis Line - Text ONLY: 515-661-4015

Email: help@diaaiowa.org

Website: www.diaaiowa.org

Latinas Unidas por un Nuevo Amanecer (LUNA)

Bilingual services for Latina/o/x/e survivors.

Office 515-271-5060

Crisis Line: 866-256-7668

Website: Latinas Unidas por un Nuevo Amanecer

Resources for Indigenous Survivors (RISE)

Services for Native women, children, and families

Crisis Line - Toll-Free: 855-840-7362

Crisis Line - Call or Text: 641-481-0334

Website: www.meskwaki.org/rise/

Monsoon Asians & Pacific Islanders in

Solidarity Services for Asian and Pacific Islander

survivors Crisis Line: 866-881-4641

Iowa City Office: 319-466-9000

Website: www.monsooniowa.org

Nisaa African Women's Project

Services for African Immigrants and Refugee communities

Crisis Line: 844-269-6203

Iowa City Office: 319-338-7617

Website: www.nisaa-afs.org

All of the above-listed individuals will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of immediacy of threat or danger or when required to disclose by law or court order. Luther College Counseling Service is available to help free of charge and may be consulted on an emergency basis during normal business hours.

5. Reports/Complaints of Sexual Misconduct and/or Retaliation to the College

Individuals making a Report or Complaint of sexual misconduct and/or retaliation may be made using any of the following options:

1. Report, or give verbal notice to, the Title IX Coordinator or Student Engagement Deans. Such a report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office address, listed for the Title IX Coordinator.
2. Report online, using the Sexual Violence reporting form. Anonymous reports are accepted but can give rise to a need to investigate. The College tries to provide supportive measures to all Complainants, which is impossible with an anonymous report. Because Reporting carries no obligation to file a formal complaint, and as the College respects Complainant requests not to pursue formal complaints unless clearly unreasonable, a Complainant is encouraged to make a report that allows the College to discuss and/or provide supportive measures.
3. File a Report with Safety and Security by calling 563.387.2111 (available 24X7).
4. File a Formal Complaint with the Title IX Coordinator. A Formal Complaint means a document filed/signed by the Complainant or signed by the Title IX Coordinator alleging a policy violation by a Respondent. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information in the section immediately above, or as described in this section. As used in this paragraph, the phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the College) that contains the Complainant's physical or digital signature, or otherwise indicates that the Complainant is the person filing the complaint. If a Formal Complaint is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to ensure that it is filed correctly.

6. Interim Supportive Measures

Luther College will offer and implement appropriate and reasonable supportive measures to the parties upon notice of alleged sexual misconduct and/or retaliation. Supportive measures are non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the parties to restore or preserve access to the College's education program or activity, including measures designed to protect the safety of all parties or the College's educational environment, and/or deter sexual misconduct, and/or retaliation.

The Title IX Coordinator promptly makes reasonable non-punitive supportive measures available to the parties upon receiving notice or a complaint. The Title IX Coordinator works with the Complainant to ensure that their wishes are taken into account with respect to the supportive measures that are planned and implemented.

The College will maintain the privacy of the supportive measures, provided that privacy does not impair the College's ability to provide the supportive measures. The College will act to ensure as minimal an academic impact on the parties as possible. The College will implement measures in a way that does not unreasonably burden the other party. These actions may include, but are not limited to:

Students Interim Supportive Measures:

Safety

- Mutual No Contact Directive
- Campus Escorts
- Assistance in reporting to law enforcement
- Non-disclosure of campus directory information

Housing-protective housing measures after individualized analysis

- Assistance in finding alternative on-campus housing
- In an unusual circumstance permission to reside off campus

Wellbeing

- Encourage medical attention
 - Sexual Assault Nurses Exam is free within 5 days of the incident and does not process through insurance; available at Winneshiek Medical Center
 - Health Service offers free STI testing and prophylactics
- Referral to on-campus confidential resources: Health Service, Counseling Service, and College Ministries
- Referral to advocacy services: Riverview Center or Helping Services
- Referral to the Director of Case Management
- Modifications to work schedule, ensemble or practice schedule
- Personal leave of absence or voluntary withdrawal from campus

Academic (Partnered with CAE)

- Faculty notification (not disclosing the nature of the incident)
- Coordination of change in class schedule or section
- Excused absences for circumstances directly related to the harassment such as medical care or meeting with an investigator
- Extended deadlines for assignments or rescheduling exams
- Accessing academic support (e.g., tutoring)
- Arranging for course withdrawals or incomplete(s)
- Assistance or referral to Financial Aid for the preservation of academic scholarships, music scholarships, financial aid awards, or study abroad programs
- Referral to CIES for matters involving student visas

No Contact Directives are enforced after an agreement is signed; violations for non-compliance can be processed as disciplinary. For more information see the College policy on No Contact Directives.

In addition, a party may seek an order of protection, "no-contact" order, restraining order, or similar order issued by a criminal or civil process. Individuals 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). If an individual obtains an order of protection from a court in Iowa, the Title IX Coordinator should receive a copy to be aware of any limitations or restrictions and to develop a plan to abide by the court order. The College cannot enforce a violation of a court order, but can assist an individual in contacting law enforcement to report a violation. If any terms of a court order are unclear in their application to the campus environment, it is up to the parties to seek clarification through the court – the College cannot render a legal opinion or give advice other than to develop a plan to reasonably prevent violations of the order.

7. Emergency Removal

The Dean of Student Engagement, the Director of Student Rights and Responsibilities and/or Title IX Coordinator, or their designee may issue an emergency removal of a student Respondent upon receiving a report of sexual misconduct and prior to the resolution of a Formal Complaint process as a temporary measure, if a Respondent is reasonably believed to pose an immediate threat to the physical health or safety of any student or other member of the Luther Community.

College personnel requested to review and assess risk and provide an individualized analysis of the emergency removal may include but not be limited to: Dean of Student Engagement, Title IX Coordinator, Associate Dean of Students, Director of Campus Safety and Security, Director of Counseling Service, and/or other Title IX Team Members.

Notice of Emergency Removal

The Office of Student Engagement or Title IX Office will notify the Respondent in writing as soon as possible after being notified of the alleged misconduct. The notice will include:

- The basis for the temporary emergency removal
- The process to challenge the decision
- Appropriate contact information for questions about the terms and conditions of removal such as retrieving property from residential housing, room and board, etc.

Appropriate College personnel may be informed when deemed necessary. Personnel may include but not be limited to, student's faculty, advisor, campus safety and security personnel, residential life, and/or coaches.

Continued Academic Progress

At times and at the discretion of the Dean of Student Engagement or Director of Student Rights and Responsibilities and/or Title IX Coordinator, the student may not be able to access academic or social buildings of the College, during those times the respondent may explore opportunities for alternative coursework. It is the responsibility of the student to contact their faculty members for the consideration and to work at a continued academic success plan.

Challenge of the Emergency Removal

Respondents receiving notice of emergency removal may challenge the decision by meeting with the Dean of Student Engagement or designee and presenting reasons against the emergency removal. Unless otherwise noted, the emergency removal will remain in effect until resolution of the case.

Student Presence on Campus While Separated from the College

Students who have been separated from the College through emergency removal, academic dismissal, suspension for disciplinary reasons, or for medical reasons do not have the rights and privileges accorded to full-time enrolled Luther students. Such students are expected to absent

themselves from campus and to visit only with permission, given in advance, by the Office of Student Engagement. Failure to abide by this expectation may adversely affect the decision to readmit a student.

8. Promptness

All reports of sexual misconduct are acted upon promptly by the College once it has received actual knowledge or a formal complaint. Typically, complaints can take 60-90 business days from receipt of a formal complaint to resolve. There are always exceptions and extenuating circumstances that can cause a resolution to take longer, but the College will avoid all undue delays within its control.

Any time the general timeframes for resolution outlined in the College's procedures will be delayed, the College will provide notice to the parties of the delay, the cause of the delay, and an estimate of the anticipated additional time that will be needed as a result of the delay.

9. Privacy, Parental Notification and FERPA

The Family Educational Rights and Privacy Act (FERPA) is a federal law protecting the privacy of student education records.

As a college, it is our philosophy that student record management is consistent with FERPA guidelines, so we treat the student as the person who is primarily privileged to authorize the release of their student record information. Consistent with FERPA, there are certain circumstances (see below) when with or without consent of the student the College may connect with parents or guardians. In most cases, the college will only share information when the student has signed a release form specifying circumstances related to Title IX be shared. Circumstances under FERPA in which a situation may be disclosed with or without consent:

- Threat to the safety of self or others, or
- Significant concern for health requiring further medical evaluation
- Instances involving alcohol or other drugs when under the age of 21

For circumstances involving notification, parents/guardians may be notified by phone or in writing. Students who are financially independent (confirmed with the Financial Aid Office) may be considered exempt from parent/guardian notification.

Overall, the College will keep confidential the identity of any individual who has made a report or complaint of sexual misconduct, or has been identified as the perpetrator or respondent to any such report or complaint, or is a witness to any complaint or investigation, except as required to carry out the purposes of this policy (including the conduct of any investigation, hearing, or judicial proceeding), applicable law, or as permitted by FERPA. The college believes incidents relating to sexual misconduct are of a private nature and will generally not disclose information to individuals not directly involved with or without a responsibility finding. At times, may share with other appropriate officials on a need to know basis or legitimate educational interest, consistent with FERPA and/or to carry out the provisions of this policy. This typically includes the Student Engagement office, Title IX office, Student Academic Support Center (academic supportive measures only) Director and Assistant Director of Campus Safety and Security, and, if necessary, the Threat Assessment Team. The circle of people with this knowledge will be kept as tight as possible to preserve the parties' privacy.

10. Time Limits on Reporting

There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the College's jurisdiction and/or significant time has

passed, the ability to investigate, respond, and provide remedies may be more limited or impossible.

Acting on reports/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer supportive measures and/or remedies, and/or engage in informal or formal action, as appropriate.

When a report/complaint is affected by significant time delay, the College will typically apply the policy expectations in place at the time of the alleged misconduct and the procedures in place at the time of report/complaint.

11. Online Harassment and Misconduct

The policies of Luther College are written and interpreted broadly to include online and cyber manifestations of any of the behaviors prohibited below, when those behaviors occur in an educational program or activity, for instance in using the College's networks, technology, or equipment.

While the College may not control websites, social media, and other venues in which harassing communications are made, when such communications are reported to the College, it will engage in a variety of means to attempt to address and mitigate the effects, whether under this policy or otherwise.

Members of the community are encouraged to be good digital citizens and to refrain from online misconduct, such as feeding anonymous gossip sites, sharing inappropriate content via social or online media, unwelcome sexting, revenge porn, breaches of privacy, or otherwise using the ease of transmission and/or anonymity of the Internet or other technology to harm another member of the College's community. For more information please review the Social Media Policy.

12. Definition of Prohibited Sexual Misconduct

a. Sexual Harassment Defined

Consistent with Title IX, Luther College has adopted the following definition of Sexual Harassment in order to address the unique environment of an academic community, which consists not only of employer and employees, but of students as well.

Acts of sexual harassment may be committed by any person upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved.

Sexual Harassment, as an umbrella category, includes the offenses below:

- i. Quid Pro Quo:
 - an employee of the College
 - conditions the provision of an aid, benefit, or service of the College,
 - on an individual's participation in unwelcome sexual conduct; and/or
- ii. Hostile Environment:
 - unwelcome conduct,
 - on the basis of sex,
 - determined to be so severe, and
 - pervasive, and,
 - objectively offensive,
 - that it effectively denies a person equal access to the College's educational program or activity.

Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness,

and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

iii. Sexual assault, defined as:

1. Rape:

- Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person,
- without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent, whether due to incapacity or due to being below the statutory age of consent.

2. Fondling:

- The touching of the private body parts of another person (buttocks, groin, breasts),
- for the purpose of sexual gratification,
- without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.

3. Incest

- Sexual intercourse,
- between persons who are related to each other within the degrees wherein marriage is prohibited by law.

4. Dating Violence: Violence committed by a person who has been in a romantic or intimate relationship with another. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Violence can occur in relationships regardless of gender. Dating violence may manifest as one act or an ongoing pattern of behavior. It can encompass a broad range of coercive, abusive, threatening, and/or violent behaviors, including threats, assault, property damage, economic abuse, violence or threat of violence to one's self, one's sexual or romantic partner, and/or to the family members or friends of the sexual or romantic partner.

5. Domestic Violence: Felony or misdemeanor crime of violence committed by:

- A current or former spouse or intimate partner of the victim;
- A person with whom the victim shares a child in common;
- A person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;

- Person similarly situated to a spouse of the victim under the laws of the State of Iowa or the jurisdiction in which the incident reported occurred; and
- Any other person against an adult or youth victim who is protected from that person's act under the laws of the State of Iowa.

6. Stalking, defined as:

- engaging in a course of conduct,
- towards another person, that would cause a reasonable person to
 - fear bodily injury to themselves or another; or
 - Suffer substantial emotional distress.

For the purposes of this definition—

- A course of conduct means two or more acts,
- Reasonable person means a reasonable person under similar circumstances, and
- Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

b. Sexual Exploitation, Mistreatment, and Abuse

Sexual exploitation is defined as harassing, non-consensual, or abusive sexual behaviors that do not fall within the definitions of sexual harassment, fondling, rape, stalking, domestic violence, and dating violence. Sexual Exploitation includes, but is not limited to:

1. Harassing sexual or gender-based behaviors that become so severe or pervasive as to interfere with an individual's ability to work, learn or participate in the College's programs; these behaviors can be verbal, physical, visual, communication-based, or any combination thereof, and will be assessed using the totality of the circumstances
2. Voyeurism and invasion of sexual privacy:
 - Observing or allowing others to observe a person undressing, using the bathroom, engaging in sexual activity, or in other private situations in which there is a reasonable expectation of privacy, without consent
 - Taking pictures, video recording, or audio recording of a person undressing, using the bathroom, engaging in sexual activity, or in other private situations in which there is a reasonable expectation of privacy, without consent
 - Disseminating or threatening to disseminate pictures, video, or audio recording of a person undressing, using the bathroom, engaging in sexual activity, or in other private situations in which there is a reasonable expectation of privacy, without consent (revenge porn)
3. Disrobing of another or unwelcome exposure from one person to another without consent

4. Misappropriation of another person's identity on apps, websites, or other venues designed for dating or sexual benefit (catfishing)
5. Intentional unwanted disclosure or threats to disclose an individual's sexual orientation, gender identity, or gender expression
6. Engaging in sexual activity with another person while knowingly infected with human immunodeficiency virus (HIV) or a sexually-transmitted disease (STD) or infection (STI), without informing the other person of the infection
7. Causing or attempting to cause the incapacitation of another person (through alcohol, drugs, or any other means) for the purpose of compromising that person's ability to give consent to sexual activity, or for the purpose of making that person vulnerable to non-consensual sexual activity
8. Prostituting another person or engaging in sex trafficking
9. Knowingly soliciting a minor for sexual activity
10. Creation, possession, or dissemination of child pornography

c. Consent, Incapacitation, Coercion, and Force

As used in the offenses above, the following definitions and understandings apply:

Consent is:

- knowing, and
- voluntary, and
- clear permission
- by word or action
- to engage in each specific sexual 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. If consent is not clearly provided prior to engaging in the activity, consent may be ratified by word or action at some point during the interaction, but a display of clear communication (word or action) is necessary. Reasonable reciprocation can be implied. For example, if someone kisses you, you can kiss them back (if you want to) without the need to explicitly obtain their consent to being kissed back.

Consent can also be withdrawn once given, as long as the withdrawal is reasonably and clearly communicated. A person can withdraw consent at any time during sexual activity by expressing in words or actions that they no longer want the act to continue, and, if that happens, the other person must stop immediately.

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. A current or previous intimate relationship is not sufficient to constitute consent.

Proof of consent or non-consent is not a burden placed on either party involved in an incident. Instead, the burden remains on the College to determine whether its policy has been violated. The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar

circumstances, including the context in which the alleged incident occurred and any similar, previous patterns that may be evidenced.

Consent in relationships must also be considered in context. When parties consent to BDSM (bondage, discipline/dominance, submission/sadism, masochism) or other forms of kink, non-consent may be shown by the use of a safe word. Resistance, force, violence, or even saying “no” may be part of the kink and thus consensual, so the College’s evaluation of communication in kink situations should be guided by reasonableness, rather than strict adherence to the policy that assumes non-kink relationships as a default.

Consent is not effective if a party is incapacitated, or it results from the use of fraud, force, threats, intimidation, or coercion.

Incapacitation: Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). Incapacitation can result from the use of alcohol or other controlled substances, disoriented, helpless, asleep, unconscious or from mental or physical incapacity. Incapacitation is determined through consideration of all relevant indicators of an individual’s state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

It is a defense to a sexual misconduct policy violation that the Respondent neither knew nor should have known the Complainant to be incapacitated. “Should have known” is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment. It is not an excuse that the individual respondent of sexual misconduct was intoxicated and, therefore, did not realize the incapacity of the other.

Coercion: Coercion is unreasonable pressure for sexual activity. Coercive conduct differs from seductive conduct based on factors such as the type and/or extent of the pressure used to obtain consent. When someone makes clear that they do not want to engage in certain sexual activity, that they want to stop, or that they do not want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

Sexual activity that is forced is, by definition, non-consensual, but non-consensual sexual activity is not necessarily forced. Silence or the absence of resistance alone does not constitute consent. Consent is not demonstrated by the absence of resistance. While resistance is not required or necessary, it is a clear demonstration of non-consent.

13. Definition of Prohibited Retaliation

Retaliation occurs when an individual harasses or intimidates another person because that other person filed a complaint, participated in the resolution process of a violation of this Policy, supported a Complainant or Respondent, and/or acted in good faith to oppose conduct that constitutes a violation of this Policy. Harassment or intimidation includes but is not limited to threats or actual violence against the person or the person’s property, adverse educational or employment consequences, ridicule, taunting, bullying, or ostracism. Retaliation is prohibited under this policy and is expressly prohibited by Title VII, Title IX and other state and federal laws.

Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a resolution proceeding under this policy and procedure does not

constitute retaliation, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party has made a materially false statement in bad faith.

Acts of alleged retaliation should be reported immediately to the Director of Student Rights and Responsibilities and/or Title IX Coordinator and will be promptly investigated. Luther College is prepared to take appropriate steps to protect individuals who fear that they may be subjected to retaliation.

14. When a Complainant Does Not Wish to Proceed

If a Complainant does not wish for their name to be shared, does not wish for an investigation to take place, is unresponsive to outreach from Title IX Coordinator or Deputy Title IX Coordinator or does not want a formal Complaint to be pursued, they may make a request for confidentiality or not to proceed under a formal complaint to the Title IX Coordinator, who will evaluate that request in light of the duty to ensure the safety of the campus and to comply with state or federal law.

The Director of Student Rights and Responsibilities and/or Title IX Coordinator has ultimate discretion over whether the College proceeds when the Complainant does not wish to do so, and the Director of Student Rights and Responsibilities and/or Title IX Coordinator may sign a formal Complaint to initiate a grievance process when it is not clearly unreasonable to do so. In making this decision, the Director of Student Rights and Responsibilities and/or Title IX Coordinator must consider the effect that non-participation by the Complainant may have on the availability of evidence and the College's ability to pursue a Formal Grievance Process fairly and effectively.

When the Director of Student Rights and Responsibilities and/or Title IX Coordinator executes the written Complaint, they do not become the Complainant. The Complainant is the individual who is alleged to be the victim of conduct that could constitute a violation of this policy. The Complainant retains all rights of a Complainant under this Policy irrespective of their level of participation.

In cases in which the Complainant requests confidentiality/no formal action and the circumstances allow the College to honor that request, the College will offer supportive measures, and remedies to the Complainant and the community, but will not otherwise pursue formal action. If the Complainant elects to take no action, they can change that decision if they decide to pursue a formal complaint at a later date. Upon making a complaint, a Complainant has the right and can expect, to have allegations taken seriously by the College, and to have the incidents investigated and properly resolved through these procedures.

15. Federal Timely Warning Obligations

Parties reporting sexual assault, domestic violence, dating violence, and/or stalking should be aware that under the Clery Act, the College must issue timely warnings for incidents reported to them that pose a serious or continuing threat of bodily harm or danger to members of the campus community.

The College will ensure that a Complainant's name and other identifying information is not disclosed, while still providing enough information for community members to make safety decisions in light of the potential danger.

16. False Allegations and Evidence

Deliberately false and/or malicious accusations under this policy, as opposed to allegations which, even if erroneous, are made in good faith, are a serious offense and will be subject to appropriate disciplinary action.

Additionally, witnesses and parties knowingly providing false evidence, tampering with or destroying evidence after being directed to preserve such evidence, or deliberately misleading an official conducting an investigation can be subject to discipline under College policy.

17. Amnesty for Parties and Witnesses

Luther College encourages the reporting of misconduct by Complainants and witnesses. Sometimes, Complainants or witnesses are hesitant to report to College officials or participate in grievance processes because they fear that they themselves may be in violation of certain policies, such as underage drinking or use of illicit drugs. Respondents may hesitate to be forthcoming during the process for the same reasons.

It is in the best interests of the College community that Complainants choose to report misconduct to College officials, that witnesses come forward to share what they know, and that all parties be forthcoming during the process.

To encourage reporting and participation in the process, the College maintains a policy of offering parties and witnesses amnesty from minor policy violations – such as underage consumption of alcohol or the use of illicit drugs – related to the incident.

Amnesty may not apply to more serious allegations such as physical abuse of another or illicit drug distribution. The decision not to offer amnesty is based on neither sex nor gender, but on the fact that collateral misconduct is typically addressed for all students within a progressive discipline system, and the rationale for amnesty – the incentive to report serious misconduct.

Sometimes, students are hesitant to assist others for fear that they may get in trouble themselves (for example, an underage student who has been drinking or using marijuana might hesitate to help take an individual who has experienced sexual misconduct to College officials.)

The College maintains a policy of amnesty for students who offer help to others in need. While policy violations cannot be overlooked, the College may provide the student with referrals for assessments and/or treatment recommendations with no official disciplinary finding, rather than punitive sanctions, to those who offer their assistance to students to support their wellbeing.

18. Federal Statistical Reporting Obligations

Reports may be required to document this report for general Clery Act statistics depending on type of incident and general location (on or off-campus or in the surrounding area). The personally identifiable information of parties would remain anonymous for these statistical purposes for the Annual Security Report and daily campus crime log.

Last revised October 28, 2020

Last Reviewed: Aug 14th, 2020

Procedures for Violations of Sexual Misconduct Policy (non-TIX)

1. Overview

Luther College will act on any formal Complaint of a violation of the policy on Sexual Misconduct received by the Title IX Coordinator or any other Official with Authority that fall within the scope of this policy by applying these procedures.

The procedures below apply only to qualifying allegations of sexual misconduct (including sexual assault, dating violence, domestic violence, stalking, and sexual exploitation as defined above) involving students.

For details relating to disability accommodations in the College's resolution process please contact the Title IX Coordinator. At times, the Title IX Coordinator will need to consult with the Coordinator of Disability Services.

2. Report or Complaint

When the College receives a report of potential sexual misconduct, in most cases outreach will be done by the Title IX Coordinator with the Complainant to identify reporting options (discussed in another section) within and outside the College and to offer supportive measures. Upon receipt of a formal complaint of a violation of this policy, the Title IX Coordinator will promptly conduct an initial assessment to determine the next steps the College needs to take. The College will initiate at least one of two responses:

- a. Provide the Complainant with assistance and support only, based on the Complainant's request that the College not take action, where that request is not clearly unreasonable;
- b. Determine the circumstances do not satisfy the jurisdictional requirements of Title IX at 34 CFR 106.45 and resolve the complaint under this Policy's informal or formal resolution procedures;

The investigation and grievance process will determine whether or not the Policy has been violated. If so, the College will promptly implement effective remedies designed to ensure that it is not deliberately indifferent to sexual misconduct, its potential recurrence, or effects.

3. Dismissal (Discretionary)

The College may dismiss a formal complaint or any allegations therein if, at any time during the investigation or hearing:

1. A Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the formal Complaint or any allegations therein; or
2. The Respondent is no longer enrolled in or employed by the College; or
3. Specific circumstances prevent the College from gathering evidence sufficient to reach a determination as to the formal Complaint or allegations therein.

Upon dismissing the Complaint, the College will promptly notify the parties. This dismissal decision is appealable by any party. A Complainant who decides to withdraw a Complaint may later request to reinstate or refile it.

4. Counterclaims

The College permits the filing of counterclaims but uses an initial assessment, described above, to assess whether the allegations in the counterclaim are made in good faith. The College is obligated to ensure that the grievance process is not abused for retaliatory purposes.

Counterclaims by the Respondent may be made in good faith, but are, on occasion, also made for purposes of retaliation. Counterclaims made with retaliatory intent will not be permitted. Counterclaims determined to have been reported in good faith will be processed using the grievance procedures below. Investigation of such claims may take place after resolution of the underlying initial allegation, in which case a delay may occur.

Counterclaims, in most circumstances, will be resolved through the same investigation and the same hearing, at the discretion of the Title IX Coordinator. When counterclaims are not made in good faith, they will be considered retaliatory and may constitute a violation of this policy.

5. Right to an Advisor

The parties may each have an Advisor of their choice, at their expense, present with them for all meetings and interviews within the resolution process, if they so choose. The parties may select whoever they wish to serve as their Advisor. The party should choose an Advisor who can be consistently available to attend meetings during business hours. The College will attempt to schedule meetings at mutually convenient times, but cannot unduly delay the process to accommodate an Advisor with limited availability.

The College may permit parties to have one additional support Advisor in the waiting room for a hearing, such as an advocate, upon special request to the Director of Student Rights and Responsibilities and/or Title IX Coordinator 5 business days in advance of the hearing. The decision to grant this request is at the sole discretion of the Director of Student Rights and Responsibilities and/or Title IX Coordinator and will be granted equitably to all parties should each party request it.

a. Who Can Serve as an Advisor

The Advisor may be a friend, faculty or staff member, family member, attorney (at the party's own cost), or any other individual a party chooses to advise, support, and/or consult with them throughout the resolution process. For cases of sexual misconduct, the parties may choose Advisors from inside or outside of the College community.

b. Advisor's Role

The parties may be accompanied by their Advisor in all meetings and interviews at which the party is entitled to be present, including intake and interviews. Advisors do not have the right to view the Hearing folder alone or independently from the Respondent. Advisors may be present to consult with during the Hearing, but may not ask questions or make comments during the hearing.

c. Pre-Interview Meetings

All Advisors must sign a Luther College Advisor Agreement Form prior to serving for a case as to understand the role and the College's policies and procedures. Advisors are not able to speak for the parties during the investigative process.

d. Advisor Violations of College Policy

All Advisors are subject to the same College policies and procedures, whether they are attorneys or not. Advisors are expected to advise their party without disrupting proceedings. Advisors should not address College officials in a meeting or interview. The Advisor may not make a presentation or represent their party during any meeting or proceeding and may not speak on behalf of the party to the Investigator(s) or Luther College Hearing Board members.

The parties are expected to ask and respond to questions on their own behalf throughout the investigation and hearing. Although the Advisor generally may not speak

on behalf of their party, the Advisor may consult with their party, either privately as needed, or by conferring or passing notes during any resolution process meeting or interview, or during a hearing. For longer or more involved discussions, the parties and their Advisors should ask for breaks to allow for private consultation.

If an Advisor disrupts or otherwise fails to respect the limits of the Advisor role, the meeting will be ended or other appropriate measures implemented. Subsequently, the Director of Student Rights and Responsibilities and/or Title IX Coordinator will determine how to address the Advisor's non-compliance and future role.

e. Expectations of an Advisor

The College generally expects an Advisor to adjust their schedule to allow them to attend the College meetings when planned, but may change scheduled meetings to accommodate an Advisor's inability to attend, if doing so does not cause an unreasonable delay and is still completed with typical business hours. The College may also make reasonable provisions to allow an Advisor who cannot attend in person to attend a meeting by telephone, video conferencing, or other similar technologies as may be convenient and available.

f. Sharing Information with the Advisor

The College expects that the parties may wish to have the College share documentation and evidence related to the allegations with their Advisors. Parties may share this information directly with their Advisor, but the advisor will be under the same expectations of privacy as the party. Doing so may help the parties participate more meaningfully in the resolution process.

These records may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the College. The College may seek to restrict the role of any Advisor who does not respect the sensitive nature of the process or who fails to abide by the College's privacy expectations. The College may require both parties and their Advisors to enter into a written agreement prohibiting the use or dissemination of evidence for any purpose other than those directly related to the parties' participation in the resolution process.

6. Resolution Processes

Resolution proceedings are private. All persons present at any time during the resolution process are expected to maintain the privacy of the proceedings in accordance with the College policy. The College asks for discretion in minimizing the sharing of information so as to respect the sensitivity of this matter for all parties.

7. Alternative Resolution

Situations involving sexual misconduct are unique and present myriad difficulties for the students involved. Although Luther College believes that the formal grievance process is best equipped to address sexual misconduct within our community, the college recognizes that in some cases the parties' needs may be best met by more flexible processes. Accordingly, the college has established a structured Alternative Resolution model that focuses on remedies, support, and accountability outside of the traditional grievance process as an additional option for Complainants.

It is not necessary to pursue Alternative Resolution first in order to pursue a Formal Grievance Process, and any party participating in Alternative Resolution can stop the process at any time and begin or resume the Formal Grievance Process.

The College will obtain voluntary, written confirmation of the Alternative Resolution Agreement Form that all parties wish to resolve the matter through Alternative Resolution before proceeding and will not pressure the parties to participate. For more information please see the Title IX Policy.

8. Formal Grievance Process: Notice of Investigation and Allegations

Once the decision to commence a formal investigation is made, the Title IX Coordinator and/or the Director of Student Rights and Responsibilities appoints two investigators to conduct the investigation, usually within two (2) business days of determining that an investigation should proceed.

The Title IX Coordinator and/or the Director of Student Rights and Responsibilities will provide written notice of the investigation and allegations (the “NOIA”) to the Respondent upon commencement of the Formal Grievance Process. This facilitates the Respondent’s ability to prepare for the interview and to identify and choose an Advisor to accompany them if desired. The NOIA is also copied to the Complainant, who is to be given advance notice of when the NOIA will be delivered to the Respondent.

The NOIA will include:

- The identity of the involved parties (if known),
- The misconduct being alleged,
- The date and location of the alleged incident(s) (if known),
- The policies implicated,
- A statement that the College presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination,
- Information on the right to an Advisor of their choosing,
- A statement informing the parties that the College’s Policy prohibits knowingly making false statements, including knowingly submitting false information during the resolution process,
- Detail on how the party may request disability accommodations during the interview process and formal grievance process,
- The name(s) of the Investigator(s), along with a process to identify, in advance of the interview process, to the Director of Student Rights and Responsibilities and/or Title IX Coordinator any conflict of interest that the Investigator(s) may have, and the parties’ rights to review and comment on investigative evidence.

Amendments and updates to the NOIA may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

9. Resolution Timeline

The College will make a good faith effort to complete the resolution process within sixty-to-ninety (60-90) business days, including appeal. This timeline can be extended as necessary for appropriate cause by the Title IX Coordinator and/or the Director of Student Rights and Responsibilities, who will provide notice and rationale for any extensions or delays to the parties and an estimate of how much additional time will be needed to complete the process. The investigation phase of the process is completed expeditiously in a timely manner. Though some investigations may take weeks or even months, depending on the nature, extent, and complexity of the allegations, availability, and volume of witnesses, law enforcement involvement, etc.

The College may undertake a short delay in its investigation (several days to a few weeks) if circumstances require. Such circumstances include but are not limited to: a request from law enforcement to temporarily delay the investigation, the need for language assistance, the

absence of parties and/or witnesses, and/or accommodations for disabilities, special circumstances or health conditions.

The College action(s) are not typically altered or precluded on the grounds that civil or criminal charges involving the underlying incident(s) have been filed or that criminal charges have been dismissed or reduced.

10. Criminal Process

The College Formal Grievance 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 and employees 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.

The College will produce records in response to a lawfully issued subpoena or court order without the student or employee's consent. When student records are requested the College will notify students of its intent to comply with as required by the FERPA regulations at 34 CFR § 99.31(a)(9). The purpose of this advance notification requirement is to afford the student an opportunity to contest the subpoena in court.

11. Ensuring Impartiality

Any individual materially involved in the administration of the resolution process including the Director of Student Rights and Responsibilities and/or Title IX Coordinator, Investigator(s), and Hearing Board Chair and members may neither have nor demonstrate a conflict of interest or bias for a party generally, or for a specific Complainant or Respondent.

The Title IX Coordinator and/or the Director of Student Rights and Responsibilities will review the assigned Investigators to ensure impartiality by ensuring there are no actual or apparent conflicts of interest or disqualifying biases. The parties may, at any time during the resolution process, raise a concern regarding bias or conflict of interest, and the Title IX Coordinator and/or the Director of Student Rights and Responsibilities will determine whether the concern is reasonable and supportable. If so, alternate personnel will be assigned and the impact of the bias or conflict, if any, will be remedied. If the source of the conflict of interest or bias is the Title IX Coordinator and/or the Director of Student Rights and Responsibilities, concerns should be raised with the Director of Human Resources.

The Formal Grievance Process involves an objective evaluation of all relevant evidence obtained, including evidence which supports that the Respondent engaged in a policy violation and evidence which supports that the Respondent did not engage in a policy violation. Credibility determinations may not be based solely on an individual's status or participation as a Complainant, Respondent, or witness.

The College operates with the presumption that the Respondent is not responsible for the reported misconduct unless and until the Respondent is determined to be responsible for a policy violation by the applicable standard of proof.

12. Steps in the Investigation Process

All investigations are thorough, reliable, impartial, prompt, and fair. Investigations involve interviews with all relevant parties and witnesses, and obtaining available relevant evidence, both inculpatory and exculpatory.

All parties have a full and fair opportunity, through the investigation process, to suggest witnesses and questions, to provide evidence, and to fully review and respond to all evidence on the record.

The Investigator(s) typically take(s) the following steps (not necessarily in this order):

- g. Interview the Complainant and Respondents separately. Each party will be asked to participate in an initial interview and may be asked to participate in a follow-up interview(s) as needed.
 - h. When participation of a party is expected, provide that party with notice of the date, time, and location of the meeting
 - i. Interview all available, deemed relevant witnesses and conduct follow-up interviews as necessary
 - j. Allow each party the opportunity to suggest relevant witnesses
 - k. Allow each party the opportunity to request an expert witness at the party's personal expense
 - l. Complete the investigation promptly and without unreasonable deviation from the intended timeline
 - m. Provide regular status updates to the Title IX Coordinator and/or the Director of Student Rights and Responsibilities throughout the investigation
2. Neither party will be restricted in their ability to discuss the allegations or to gather and present relevant evidence; provided, however, that such communications shall not constitute harassment of or retaliation against any party.

The Complainant and Respondent will be provided the opportunity to inspect all evidence directly related to the allegations of the formal complaint. The College may require both parties and their advisors to enter into a written agreement prohibiting the use or dissemination of evidence for any purpose other than those directly related to the parties' participation in the resolution process.

Complainant and Respondent will be given the opportunity to inspect and review the evidence collected during the College's investigation. The parties can waive all or part of this inspection period. The parties can waive all or part of this inspection period.

13. Role and Participation of Witnesses in the Investigation

Luther College encourages all individuals with relevant information to participate in the resolution process, and will support their participation. However, the College does not compel students to participate.

While in-person interviews for parties and all potential witnesses are ideal, circumstances (e.g., study abroad, summer break) may require individuals to be interviewed remotely. Zoom, Google Hangout, or similar technologies may be used for interviews if the Investigator(s) determine that timeliness or efficiency dictate a need for remote interviewing. The College will take appropriate steps to reasonably ensure the security/privacy of remote interviews.

14. Recording of Interviews

No unauthorized audio or video recording of any kind is permitted during investigation meetings. If Investigator(s) elect to audio and/or video record interviews, all involved parties must be made aware of audio and/or video recording.

15. Evidentiary Considerations in the Investigation and Hearing

The investigation does not consider questions and evidence about the Complainant's sexual predisposition or prior sexual behavior unless such questions and evidence are offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent. At the hearing, the Board will not consider information or questions raised concerning: 1) incidents not directly related to the possible violation(s), 2) previous sexual history not related to the case, 3) personal mental health, or 4) defamation of character in regard to either party.

The Investigator(s) will only access, consider, disclose, or otherwise use a party's treatment records made or maintained by a health care provider, or other records protected under a legally recognized privilege if the party provides the Investigator(s) with voluntary, written consent to do so.

16. Referral for Hearing

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.

Provided that the Complaint is not resolved through Alternative Resolution, once the final investigation report is shared with the parties, the matter will be referred for a hearing. The Director of Student Rights and Responsibilities or designee will serve as Chair (non-voting member) for the Luther College Hearing Board. The Title IX Coordinator will be present, but is not a member of the Board.

17. Hearing Board Composition

A quorum for the hearing board consists of five voting members with at least one student, one faculty member, and the Chair. The Chair will appoint the board members, considering factors such as availability, conflict of interest, and demographic balance. Hearings at or near the end of term may instead use a quorum of three, described below.

18. Disciplinary History

Previous disciplinary action of any kind involving the Respondent may be considered in determining an appropriate sanction upon a determination of responsibility. This information is only considered at the sanction stage of the process.

19. Evidentiary Standard

After post-hearing deliberation, the Hearing Board renders a determination based on the preponderance of the evidence; whether it is more likely than not that the Respondent violated the Policy as alleged.

20. Notice of Hearing and Charges

No less than seven (7) days prior to the hearing, the Chair of the Hearing Board will send notice of the hearing and charges to the parties.

The notice will contain:

- a. The time, date, and location of the hearing;
- b. Information about the option for the live hearing to occur with the parties located in separate rooms using technology that enables the Hearing Board and parties to see and hear a party or witness answering questions. Such a request must be raised with the Chair or Title IX Coordinator at least five (5) days prior to the hearing.

- c. A list of all those who will attend the hearing, along with an invitation to object to any Hearing Board Members on the basis of demonstrated bias. This must be raised with the Title IX Coordinator prior to the hearing.
- d. Information on how the hearing will be recorded and on access to the recording for the parties after the hearing.
- e. Notification that the parties may have the assistance of an Advisor of their choosing at the hearing. An invitation to contact the Title IX Coordinator and/or the Director of Student Rights and Responsibilities to arrange any disability accommodations, language assistance, and/or interpretation services that may be needed at the hearing, at least five (5) days prior to the hearing.
- f. Parties may not bring mobile phones or electronic/recording devices into the hearing.

Hearings for possible violations that occur near or after the end of an academic term (for example, during finals, break periods, January Term, or over the summer) and are unable to be resolved prior to the end of term will typically be held immediately after the end of the term or during the summer, as needed, to meet the resolution timeline and goal for resolution. A quorum of three (one faculty, one staff, and one student) rather than five will be required for these hearings.

21. Alternative Hearing Participation Options

If a party or parties prefer not to attend or cannot attend the hearing in person, the party should request alternative arrangements from the Title IX Coordinator and/or the Director of Student Rights and Responsibilities at least five (5) days prior to the hearing. The hearing will proceed with or without the participation of parties and/or witnesses.

The Title IX Coordinator and/or the Director of Student Rights and Responsibilities can arrange to use technology to allow remote testimony without compromising the fairness of the hearing. Remote options may also be needed for witnesses who cannot appear in person. Any witness who cannot attend in person should let the Title IX Coordinator and/or the Director of Student Rights and Responsibilities know at least five (5) days prior to the hearing or in ideal situations during the investigation so that appropriate arrangements can be made.

22. Pre-Hearing Preparation

The Chair, after any necessary consultation with the parties, Investigator(s), and/or Title IX Coordinator, will provide the names of persons who will be participating in the hearing and all pertinent documentary evidence to the parties prior to the hearing.

The Chair or designee will notify witnesses of the hearing date and time and that their presence has been requested. Any witness called by the Chair will also be expected to answer questions from the parties.

Any witness (including expert witnesses) scheduled to participate in the hearing must have been first interviewed by the Investigator(s) or have proffered a written statement or answered written questions, unless all parties and the Chair assent to the witness's participation in the hearing. The same holds for any evidence that is first offered at the hearing.

The parties will be given a list of the Hearing Board members at least seven (7) business days in advance of the hearing unless recusals occur. All objections to any hearing board members must be raised in writing, detailing the rationale for the objection, and must be submitted to the Director of Student Rights and Responsibilities and/or Title IX Coordinator as soon as possible and no later than five (5) days prior to the hearing. Hearing Board members will only be removed if the Director of Student Rights and Responsibilities and/or Title IX Coordinator

concludes that their bias or conflict of interest precludes an impartial hearing of the allegation(s).

Any hearing board member who cannot make an objective determination must recuse themselves from the proceedings when notified of the identity of the parties and witnesses in advance of the hearing. If a hearing board member is unsure of whether a bias or conflict of interest exists, they must raise the concern to the Title IX Coordinator and Chair as soon as possible.

During the seven (7) day period prior to the hearing, the parties have the opportunity for continued review on the final investigation report and available evidence.

23. Hearing Procedures

At the hearing, the Hearing Board has the authority to hear and make determinations on all allegations of sexual misconduct and/or retaliation. Participants at the hearing may include the Chair, hearing board members, the Investigator(s) who conducted the investigation, the Complainant and Respondent, Advisors to the parties, any called witnesses, the Title IX Coordinator, legal counsel retained by the College, and anyone providing authorized accommodations or assistive services.

The Chair or Title IX Coordinator will answer all questions of procedure. Anyone appearing at the hearing to provide information (such as a witness, expert witness or investigator) will respond to questions on their own behalf.

The Chair will allow witnesses who have relevant information to appear at a portion of the hearing in order to respond to specific questions from the hearing board and the parties will then be excused.

24. Joint Hearings

In hearings involving more than one Respondent or in which two (2) or more Complainants have accused the same individual of substantially similar conduct, the default procedure will be to hear the allegations jointly.

However, the Title IX Coordinator and/or Director of Student Rights and Responsibilities may permit the investigation and/or hearings pertinent to each Respondent to be conducted separately if there is a compelling reason to do so. In joint hearings, separate determinations of responsibility will be made for each Respondent with respect to each alleged policy violation.

25. The Order of the Hearing – Introductions and Explanation of Procedure

The Chair explains the procedures and introduces the participants.

The Chair conducts the hearing according to a hearing script. The Chair facilitates the recording, witness logistics, party logistics, curation of documents, separation of the parties, and other administrative elements of the hearing process with assistance provided by the Title IX Coordinator. The hearing typically begins with opening statements from the parties sharing vital content, series of questioning, questioning of witnesses, questions submitted for cross-examination, final questioning and closing statements.

26. Testimony and Questioning

At times, the Investigator(s) may be present at hearings and questioned, the parties and witnesses may provide relevant information in turn, beginning with the Complainant and then in the order determined by the Chair. The parties/witnesses will submit to questioning by the Hearing Board and then by the parties through the Chair.

All questions are subject to a relevance determination by the Chair. The Chair will determine whether the question will be disallowed as irrelevant and pose the proposed question orally, electronically, or in writing (orally is the default, but other means of submission may be permitted by the Chair upon request or agreed to by the parties and the Chair).

27. Recording Hearings

Hearings (but not deliberations) are recorded by the College for purposes of review in the event of an appeal. The parties may not record the proceedings and no other unauthorized recordings are permitted.

The Chair, the parties, their Advisors, and appropriate administrators of the College will be permitted to listen to the recording in a controlled environment determined by the Director of Student Rights and Responsibilities and/or Title IX Coordinator. No person will be given or be allowed to make a copy of the recording without permission of the Director of Student Rights and Responsibilities and/or Title IX Coordinator.

28. Deliberation, Decision-making, and Standard of Proof

The Hearing Board will deliberate in closed session to determine whether the Respondent is responsible or not responsible for the policy violation(s) in question. A simple majority vote is required to determine the finding. The preponderance of the evidence standard of proof is used. The Title IX Coordinator may be invited to attend the deliberation by the Chair, but is there only to facilitate procedurally and take notes, not to address the substance of the allegations.

The Hearing Board will review any pertinent conduct history provided by the Director of Student Rights and Responsibilities. Then the Board will determine the appropriate sanction(s).

29. Notice of Outcome

The Chair, in collaboration with the Title IX Coordinator, will prepare a written Notice of Outcome detailing the determination, rationale, the evidence used in support of its determination, and any sanctions.

At the discretion of the Director of Student Rights and Responsibilities and/or Title IX Coordinator, the Notice of Outcome may be reviewed by legal counsel. The Chair will then share the Notice of Outcome simultaneously with the parties.

The Notice of Outcome will be in writing and specify the finding on each alleged policy violation; the findings of fact that support the determination; conclusions regarding the application of the relevant policy to the facts at issue; any sanctions issued; and any remedies provided to the Complainant designed to ensure access to the College's educational program or activity.

The Notice of Outcome will also include information on when the results are considered by the College to be final, any changes that occur prior to finalization, and the relevant procedures and bases for any available appeal options.

30. Sanctions

Factors considered when determining a sanction/responsive action may include, but are not limited to:

- The nature, severity of, and circumstances surrounding the violation(s)
- The Respondent's disciplinary history
- Previous allegations or allegations involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation

- The need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties
- Institutional precedent for how similar infractions have been addressed
- Any other information deemed relevant by the Hearing Board

The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested.

The sanctions described in this policy are not exclusive of, and may be in addition to, other actions taken or sanctions imposed by external authorities.

a. Sanctions

The following are the range of sanctions that may be imposed upon students or organizations singly or in combination:

- *Unilateral No Contact Directive*: A mandate to have no avoidable contact with one or more individuals. May include restrictions from being present in another student's classes, residence hall, or student organizations.
- *Educational Sanctions*: A directive to complete specified educational programs or projects to better comprehend the misconduct and its effects.
- *Mental Health or Substance Abuse Evaluation*: A mandate to meet with and engage in either College-sponsored or external counseling to better comprehend the behavior and its effects or contributing factors thereto, such as substance abuse, anger management, or other mental health issues.
- *Probation*: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no-contact directives, and/or other measures deemed appropriate.
- *Residence Hall Suspension*: Termination of a student's right to live or be present in College-owned housing for a definite period of time.
- *Suspension*: Termination of student status for a definite period of time not to exceed three years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at Luther College.
- *Expulsion*: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend College-sponsored events.
- *Organizational Sanctions*: Deactivation, loss of recognition, loss of some or all privileges (including College registration) for a specified period of time.
- *Other Actions*: In addition to or in place of the above sanctions, the College may assign any other sanctions as deemed appropriate.

In all cases, the Hearing Board and Campus Appeals Board reserve the right to broaden or lessen any range of recommended sanctions to address mitigating circumstances or repeated or egregious behavior.

31. Withdrawal While Charges Pending

Should a student decide to not participate in the resolution process, the process may proceed absent their participation to a reasonable resolution. Should a student Respondent permanently

withdraw from the College, the resolution process may end, as the College no longer has disciplinary jurisdiction over the withdrawn student. The student who withdraws or leaves while the process is pending may not return to Luther College. A hold will be placed on their ability to be readmitted. They may also be barred from College property and/or events.

However, the College will continue to address and remedy any systemic issues, variables that may have contributed to the alleged violation(s), and any ongoing effects of the alleged harassment, discrimination, and/or retaliation.

If the student Respondent takes a temporary leave for a specified period of time (e.g., one semester or term), the resolution process will continue remotely and that student is not permitted to return to the College unless and until all resolution terms have been satisfied. During the resolution process, the College may put a hold on a responding student's record or dean's disciplinary certification that a disciplinary matter is pending.

32. Appeals

- a. A decision reached by the Hearing Board may be appealed by either party to the Campus Appeals Board within seven days of the decision. Such appeals shall be in writing, stating the basis for the appeal, and shall be delivered to Ashley Benson, Dean of Student Engagement, at Dahl Centennial Union 266 or via email at abenson@luther.edu.
- b. Except as required to explain the basis of new information, an appeal shall be limited to a review of the verbatim record of the hearing and supporting documents for one or more of the following purposes:
 - i. Deviations from designated procedures within the investigation or adjudication processes, which could have affected the outcome;
 - ii. A conflict of interest or the bias of the Director of Student Rights and Responsibilities and/or Title IX Coordinator, investigator or member of the Hearing Board sufficient to have affected the outcome;
 - iii. To consider new information or other relevant facts not brought out in the original hearing, sufficient to alter a decision, because such information and/or facts were not known or available to the person appealing at the time of the original hearing. If any of the grounds in the Request for Appeal do not meet the grounds in this Policy, that request will be denied by the Appeals Board Chair and the parties will be notified in writing of the denial and the rationale.
- c. The Campus Appeals Board is comprised of three members including one faculty member, typically the Chair of the Faculty Interest Committee; one student, typically the President of the Luther College Student Senate; and the Dean of Student Engagement.
- d. The non-appealing party (if any) must be notified in writing of the appeal, and given an opportunity to provide a written statement challenging or supporting the appeal.

The Appeals Board Chair will collect any additional information needed and all documentation regarding the approved grounds and the subsequent responses to be shared with the Appeals Board, and the Appeals Board will render a decision in no more than 10 days, barring exigent circumstances. All decisions are by majority vote and apply the preponderance of the evidence standard.

A Notice of Appeal Outcome will be sent to all parties simultaneously including the decision on each approved ground and rationale for each decision. The Notice of Appeal

Outcome will specify the finding on each ground for appeal, any specific instructions for remand or reconsideration and any sanctions. If an appeal is upheld by the Campus Appeals Board, the matter may be returned to the original Hearing Board for re-opening of the case to allow reconsideration of the original determination. If an appeal is upheld with respect to sanctions, the Campus Appeals Board may adjust sanctions or choose to refer the case back to the Hearing Board for consideration of sanctions. If an appeal is not upheld, the matter shall be considered final and binding upon all involved.

i. Sanctions Status During the Appeal

Any sanctions imposed as a result of the hearing will be in effect during the appeal process. Supportive measures may be reinstated, subject to the same supportive measure procedures above.

ii. Appeal Considerations

- Appeals are not intended to provide for a full re-hearing (de novo) of the allegation(s). In most cases, appeals are confined to a review of the written documentation, recording of the original hearing and pertinent documentation regarding the specific grounds for appeal.
- An appeal is not an opportunity for the Campus Appeals Board to substitute their judgment for that of the original Hearing Board merely because they disagree with the finding and/or sanction(s).
- The Campus Appeals Board may consult with the Chair and/or Title IX Coordinator on questions of procedure or rationale, for clarification, if needed. Documentation of all such consultation will be maintained.
- Appeals granted based on new evidence should normally be remanded to the original Investigator(s) and/or Hearing Board for reconsideration. Other appeals may be remanded at the discretion of the Director of Student Rights and Responsibilities and/or Title IX Coordinator or, in limited circumstances, decided on appeal.
- Once an appeal is decided, the outcome is final: further appeals are not permitted, even if a decision or sanction is changed on remand (except in the case of a new hearing). When appeals result in no change to the finding or sanction, that decision is final.
- In rare cases where a procedural or substantive error cannot be cured by the original Hearing Board (as in cases of bias), the appeal may order a new hearing with a new Hearing Board.
- The results of a new hearing can be appealed, once, on any of the available appeal grounds.
- In cases in which the appeal results in reinstatement to the College or resumption of privileges, all reasonable attempts will be made to restore the Respondent to their prior status, recognizing that some opportunities lost may be irreparable in the short term.

33. Long-Term Remedies/Other Actions

Following the conclusion of the resolution process, and in addition to any sanctions implemented, the Title IX Coordinator and/or Director of Student Rights and Responsibilities may implement additional long-term remedies or actions with respect to the parties and/or the

campus community that are intended to stop the sexual misconduct and/or retaliation, remedy the effects, and prevent reoccurrence.

These remedies/actions may include, but are not limited to:

- Referral to counseling, college ministries, and health services
- Education to the individual and/or the community
- Permanent alteration of housing assignments
- Permanent priority on classroom registration
- Permanent alteration of work arrangements for student employee
- Provision of campus safety escorts
- Climate surveys
- Policy modification and/or training
- Implementation of long-term contact limitations between the parties
- Implementation of adjustments to academic deadlines, course schedules, etc.

For long-term support or measures parties may be referred to other campus resources such as Case Management or Disability Services. When no policy violation is found, the Director of Student Rights and Responsibilities and/or Title IX Coordinator will address any remedies owed by the College to the Respondent to ensure no effective denial of educational access.

34. 34. Failure to Comply with Sanctions and/or Interim and Long-term Remedies and/or Responsive Actions

All Respondents are expected to comply with the assigned sanctions, responsive actions, and/or corrective actions within the timeframe specified by the Hearing Board and Campus Appeals Board.

Failure to abide by the sanction(s)/action(s) imposed by the date specified, whether by refusal, neglect, or any other reason, may result in additional sanction(s)/action(s), including suspension, expulsion, and/or termination from the College.

A Respondent will only be eligible for readmission from suspension when compliance is achieved to the satisfaction of the Director of Student Rights and Responsibilities and/or Title IX Coordinator.

35. Recordkeeping

Luther College will maintain for a period of at least seven years records of:

- a. Each sexual misconduct investigation including any determination regarding responsibility and any audio or audiovisual recording;
- b. Any disciplinary sanctions imposed on the Respondent;
- c. Any remedies provided to the Complainant designed to restore or preserve equal access to the College's education program or activity;
- d. Any appeal and the result therefrom;
- e. Any Alternative or Informal Resolution and the result therefrom;
- f. All materials used to train Title IX Coordinators, Investigators, Hearing Board members, Campus Appeals Board members, and any person who facilitates an Informal Resolution process. The College will make these training materials publicly available on the College's Title IX website; and
- g. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual misconduct, including:
 - i. The basis for all conclusions that the response was not deliberately indifferent;
 - ii. Any measures designed to restore or preserve equal access to the College's education program or activity; and

- iii. If no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

Title IX Team, Investigators, Chairs, Hearing Board Members and Appeal Board Members:

These individuals receive annual training based on their respective roles on the topics of 1) impartiality, 2) avoiding prejudgment of facts at issue, 3) conflicts of interest and bias, 4) the College's resolution processes, 5) issues of relevance and evidence, 6) the scope of the College's educational programs and activities, 7) types of harassment and discrimination; and (8) how to conduct an investigation and hearing process that protects the rights, well-being, and safety of the parties, provides an equitable process for all parties involved, and promotes accountability. The materials used to train these individuals are publicly posted here:

<https://www.luther.edu/titleix/training-materials/>.

36. Revision of this Policy and Procedures

This Policy and procedures supersede any previous policy(ies) will be reviewed and updated annually by the Director of Student Rights and Responsibilities in consultation with the Title IX Coordinator. The College reserves the right to make changes to this document as necessary, and once those changes are posted online, they are in effect.

During the resolution process, the Director of Student Rights and Responsibilities and/or Title IX Coordinator may make minor modifications to procedures in order to preserve the fairness owed the parties. The Director of Student Rights and Responsibilities and/or Title IX Coordinator may also vary procedures materially with notice (on the institutional website, with the appropriate effective date identified) upon determining that changes to law or regulation require policy or procedural alterations not reflected in this Policy and procedures.

If government laws or regulations change – or court decisions alter – the requirements in a way that impacts this document, this document will be construed to comply with the most recent government regulations or holdings.

This policy is not a contract and does not create legally enforceable protections based on contract, quasi-contract, or third-party beneficiary status.

This interim policy and procedures are effective August 14, 2020.

THE FOLLOWING STATEMENT MUST APPEAR IN ANY VERSION OF THIS MODEL USED BY A LICENSEE:

ATIXA 2020 ONE POLICY, TWO PROCEDURES MODEL
USE AND ADAPTATION OF THIS MODEL WITH CITATION TO ATIXA IS PERMITTED
THROUGH A LIMITED LICENSE TO LUTHER COLLEGE
ALL OTHER RIGHTS RESERVED. ©2020. ATIXA

Last revised October 28, 2020

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