

Statement of Student Rights

A student who either reports or is accused of a violation of the Title IX Policy is entitled:

- To be treated with respect by college officials
- To be made aware of available options
- To take advantage of campus support resources
- To experience a safe living and educational environment
- To have an advisor present during the entire process, including meetings with college officials, interviews, and hearings
- To provide a full account of events, to furnish evidence, and to suggest witnesses
- To be advised of the status of an investigation, remedial actions that have been taken, preparations for an on-campus hearing, the outcome of a hearing and assessed sanctions (if appropriate), whether an appeal has been filed, and/or the outcome of an appeal
- To have irrelevant prior sexual history disallowed in a hearing
- To refuse to have an allegation resolved through informal resolution procedures
- To not have ancillary, minor violations of college policy associated with the incident addressed through the college's disciplinary process
- To be free from retaliation

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

Prohibited Conduct Under Title IX

Sexual Harassment

Hostile environment sexual harassment occurs if unwelcome conduct, on the basis of sex, is determined to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College's educational program or activity.

Quid-pro-quo sexual harassment occurs if 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.

Relationship Violence

Dating Violence is 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.

Domestic Violence is felony or misdemeanor crime of violence (has as an element the use, attempted use, or threatened use of physical force against the person or property of another) committed by a current or former spouse, intimate partner, cohabiter, or similar relation of the victim.

Stalking is 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.

Sexual Assault

Rape is 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.

Fondling is 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.

Incest is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

Non-Title IX Sexual Misconduct

Sexual misconduct that falls outside the scope of Title IX, such as severe or pervasive sexual harassment, sexual exploitation, or other situations outside the scope of Title IX, may be addressed under the Student Code of Conduct, the Faculty Handbook or the Staff Handbook.

Sexual Misconduct Reporting and Options

Do you need immediate assistance?

- Are you in danger? Call 911
- Do you need help? Call Campus Safety at (563) 387-2111

Do you need medical attention?

- Winneshiek Medical Center Emergency Room
 - *Phone:* (563) 382-2911
 - *Location:* 901 Montgomery Street, Decorah, Iowa 52101
 - *Hours:* open 24 hours a day, 7 days a week
 - Students can obtain a forensic medical examination by a trained sexual assault nurse examiner at Winneshiek Medical Center within 5 days of the incident. Completing a forensic examination is free, confidential, does not require that a police report be filed, and will help preserve evidence for the future.
- Luther Clinic
 - *Phone:* (563) 387-5400
 - *Location:* Larson Hall
 - *Hours:* M-F 8:00-5:00 (reduced hours or closed during academic breaks)
 - Luther Clinic can conduct STI testing and connect you with a medical provider

Do you want to speak to someone confidentially?

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

- Luther College Counseling Service
 - *Phone:* (563) 387-1375
 - *Location:* Larsen Hall
 - *Hours:* M-F 8:00-5:00 (reduced hours or closed during academic breaks)
- Luther College Ministries
 - *Phone:* (563) 387-1040
 - *Location:* Center for Faith and Life 106
 - *Hours:* M-F 8:00-5:00 (call ahead during academic breaks)
- Riverview Center
 - *Phone:* (563) 380-3332
 - *Hours:* 24 hours a day, 365 days a year
 - The Riverview Center works with survivors of sexual assault in northeast Iowa. Their services include client advocacy, medical advocacy, legal advocacy, therapy/counseling, and violence prevention education.

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

Do you want to report the incident to law enforcement?

- Decorah Police Department
 - *Phone:* (563) 382-3667
 - *Location:* 400 W. Claiborne Drive, Decorah, Iowa 52101
 - *Hours:* 24 hours a day, 365 days a year
 - Students interested in filing a police report or pressing charges should do so by contact the Decorah Police Department. Campus Safety is available to assist students as they work with law enforcement.
- Winneshiek County Clerk of Court
 - *Phone:* 563-382-2469
 - *Location:* 201 W. Main Street, Decorah, Iowa 52101
 - Students interested in seeking a court-issued Order of Protection should contact the Winneshiek County Clerk of Court.

Do you want to report the incident to Luther College?

Although students may report incidents to many individuals at Luther College, the Title IX and Student Engagement offices are best equipped to provide accommodations, connect with outside resources, and initiate the student conduct process.

- Report online via Guardian
- Student Engagement Office
 - *Phone:* (563) 387-1020 (business hours) or (563) 387-2111 (outside business hours)
 - *Location:* Dahl Centennial Union 266
 - *Hours:* M-F 8:00-5:00
 - Students should ask to speak with Janet Hunter or an available person
- Matthew Bills, Interim Title IX Coordinator
 - *Phone:* (563) 387-1825
 - *Email:* titleix@luther.edu
 - *Location:* Main 29
 - *Hours:* M-F 8:00-5:00 (additional availability by appointment)
- Campus Safety
 - *Phone:* (563) 387-2111
 - *Location:* Dahl Centennial Union 129
 - *Hours:* 24 hours a day, 365 days a year

Interim Supportive Measures

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

The Title IX Coordinator, in consultation with appropriate administrators, will determine and implement appropriate interim remedies, accommodations, and other actions.

Health and Safety Support

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

Academic Support

- Excused absences for circumstances directly related to the harassment such as medical care or meeting with a College official
- Extended deadlines for assignments, rescheduling exams, or alternate course completion options
- A change in class schedule, including the ability to transfer sections or drop a course
- Academic support services, including tutoring

Residential and Financial Support

- Assistance in finding alternative housing
- Modification of on campus job assignment or work schedule
- Assistance in resolving concerns about immigration status, visas, or financial aid
- Modification of extracurricular obligations

The Formal Grievance Process Under Title IX

*This high-level summary is provided for your convenience and does not provide complete details. **This is not the official policy.** For more detailed information, please view the [Title IX Policy and Procedures](#) online or contact the Title IX Coordinator at (563) 387-1825 or titleix@luther.edu.*

Report, Preliminary Inquiry, and Supportive Measures

Upon receipt of a Title IX report, Luther College offers a wide range of supportive measures to the complainant, detailed elsewhere in this document. The Title IX Coordinator must determine the appropriate next steps. In most cases, the College is able to allow the victim to decide if and when to initiate the student conduct process. If the victim does not wish to go through the formal student process, they may select an adaptable resolution instead. However, where there is an imminent threat to safety Luther may be required to proceed with the formal student conduct process with or without the participation of the victim.

Formal Complaint and Investigation

A report becomes a complaint when the victim submits a signed complaint against a respondent to initiate the formal investigation process. The Title IX Coordinator furnishes each party with a Notice of Investigation and Allegations that details the alleged misconduct, the policies alleged to have been violated, the investigation timeline, and the rights of the parties during the investigation. The investigators will gather evidence, including statements by the parties, statements by witnesses, evidence supplied by the parties (photos, messages, etc.), other evidence (security camera footage, key card access, location photos, etc.), and external reports (medical, police, etc.). The investigators summarize the information they obtain in an Investigation Report. Both parties are given at least 10 days to inspect and review the evidence before the hearing.

Hearing and Decision

The hearing is conducted by the chair and a Hearing Board composed of staff, faculty, and students. The hearing is set up so that the parties cannot see each other. Direct verbal questioning by the parties is not allowed; the parties' advisor must be the one to conduct cross-examination of the other party.

The Hearing Board is tasked with determining whether, based on the preponderance of the evidence standards, the Title IX policy was violated, and if so, to assess appropriate sanctions.

Appeal

Both parties are entitled to file an appeal. Written appeals and responses, along with hearing materials and recordings, are reviewed by the Luther College Appeals Board, which consists of one staff member, one faculty member, and one student. The Appeals Board does not meet with the parties. The parties will receive simultaneous notice of the outcome of the appeal.

Alternative Resolution Processes

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Overview

Situations involving sexual misconduct are unique and present myriad difficulties for the involved students. Although the College believes that the formal grievance process is best-equipped to address sexual misconduct within our community, we recognize that in some cases student needs may be best met by more flexible processes. Accordingly, the College has established two voluntary alternative resolutions paths that focus on remedies, support, and accountability outside of the traditional student conduct process.

Participation in an alternative resolution process is voluntary, so both parties have the right to terminate the adaptable process at any time. If the alternative resolution process fails, the complainant may elect to pursue a formal student conduct process instead. However, information shared during the adaptable process may not be used in that formal conduct process.

Shuttle Negotiation

Shuttle negotiation is a structured negotiation process in which a College facilitator helps the parties reach an agreement that meets their needs. Shuttle negotiation does not involve any direct interaction between the parties and is useful in situations in which the complainant has specific needs. Shuttle negotiation is future-focused and does not typically involve discussion of the incident.

The facilitator will meet with the parties, identify topics over which negotiation will take place, and facilitate the negotiation. If the parties are able to reach an agreement, the facilitator will document the terms. Later, the facilitator will draft a resolution agreement and invite the parties to sign it.

Restorative Justice

Restorative justice is a process in which the complainant shares the harm that they suffered, the responsible parties accept responsibility for causing that harm, and the parties agree together on a path forward that repairs the harm to the complainant and the community and rebuild positive social connections. Restorative justice involves direct interactions between the parties involved and is only appropriate in situations in which the respondent is willing to accept responsibility for their actions.

The facilitator will meet with the parties and affected individuals to assess whether a restorative justice circle is appropriate and prepare them for the circle. In the circle itself, the facilitator will guide the conversation through four rounds of discussion, including introductions (connection, convening), discussion of the incident (harms, concerns), discussion of steps towards resolution (planning, response), and reflection (observations, closing).

If the parties are able to reach an agreement, the facilitator will document the terms. Later, the facilitator will draft a resolution agreement and invite the parties to sign it.

Confidentiality, Amnesty, and Retaliation

Privacy & Confidentiality

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

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

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

Amnesty

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

Retaliation

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

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

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

Additional Off-Campus Resources

All of the below-listed organizations will maintain confidentiality when acting under the scope of their licensure, professional ethics, and/or professional credentials, except in extreme cases of the immediacy of threat or danger or when required to disclose by law or court order.

National Confidential Helplines

- **National Sexual Assault Helpline:** 800-656-HOPE
- **National Resource Center for Domestic Violence:** 800-799-SAFE
- **One Iowa Crisis Line:** 800-770-1650; www.oneiowa.org

Legal Resources

- **Iowa Coalition Against Sexual Assault & Domestic Violence:** 515-244-7424
- **Iowa Public Defender:** 515-242-6158

Community Resources

- **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 [voice/video phone]: 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 Latino survivors
Office: 515-271-5060; Crisis line: 866-256-7668
Website: volunteer.unitedwaydm.org/agency/detail/?agency_id=63422
- **Monsoon Asians & Pacific Islanders in Solidarity:** Resources for Asian & 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
- **Resources for Indigenous Survivors (RISE):** Services for Native women, children, and families
Crisis line: 855-840-7362; Crisis line [call or text]: 641-481-0334
Website: www.meskwaki.org/rise/

Title IX Team



Matthew Bills, Director of Human Resources and Interim Title IX Coordinator

- Main 29, (563) 387-1825, titleix@luther.edu

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

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



Janet Hunter, Director of Behavioral Intervention and Care

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

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

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



Jake Dyer, Director of Student Activities and Leadership Development

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

Jake investigates complaints of sexual misconduct. Jake also leads the College's restorative justice practices.

If you have questions about restorative justice, please contact Jake.



Kris Franzen, Director of Residence Life

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

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



Bob Palmer, Director of Campus Safety and Security

- Dahl Centennial Union 129, (563) 387-2103, palmro1@luther.edu

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

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



Nan Hibbs, Director of Community Standards

- Dahl Centennial Union 266C, (563) 387-1008, hibbna01@luther.edu

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

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