

Sexual Misconduct Policy



August 1, 2018

Notice of Non-Discrimination

It is the intent of the College, through its policy on equal opportunity, to comply with Titles VI and VII of the Civil Rights Act of 1964; Title IX of the Educational Amendments of 1972; Executive Order 11246, Section 504, of the Rehabilitation Act of 1973; and all the related regulations. Sterling College, in compliance with these acts, does not discriminate on the basis of race, color, national origin, sex, age, or disability in admission or access to, treatment, or employment in its programs and activities. Inquiries related to Title IX, non-discrimination on the basis of sex, may be referred to the Vice President for Student Life, 125 W. Cooper, Sterling, Kansas 67579, and (620) 278-4232. Inquiries related to Titles VI & VII of the Civil Rights Act of 1964, and Section 504 of the Rehabilitation Act, may be referred to the Director of Human Resources, 125 W. Cooper, Sterling, Kansas 67579, (620) 278-4220.

Sterling College reserves the right to correct unintended errors and to modify this policy if necessary. In the event that a change is made, the date of the last modification will be listed on the first page, and the most recent changes will be highlighted in yellow for ease of locating.

Introduction

Sterling College stands fundamentally opposed to any form of sexual harassment (which includes gender discrimination and sexual violence) and will do all in its power to promote an environment that allows students, faculty, and staff to be free from the intimidation and coercion that accompanies such actions.

Scope

This policy applies to all Sterling College employees, including staff, faculty, and administrators; students; applicants for employment; customers; third-party contractors; and all other persons that participate in the College's educational programs and activities, including third-party visitors on campus (the "College Community"). This policy prohibits sex discrimination, sexual harassment, and sexual violence when the complainant and alleged perpetrator are members of the same, or opposite sex, and it applies regardless of national origin, immigration status, or citizenship status. The College's prohibition on sex discrimination, sexual harassment, and sexual violence extends to all aspects of its educational programs and activities, including, but not limited to admissions, employment, academics, athletics, housing, and student services.

The College has jurisdiction over conduct covered by this policy that occurs on campus, during or at an official College program or activity (regardless of location), or off campus when the conduct could create a hostile environment on campus. The College will investigate all complaints made under this policy and, if necessary, take action to prevent the recurrence of sex discrimination and remedy its effects.

Title IX Coordinator

The College's Title IX Coordinator oversees compliance with all aspects of sex/gender harassment, discrimination and misconduct policy. The Coordinator reports directly to the President of the College, and is housed in the Office of the President in Cooper Hall. Questions about this policy should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to discrimination or harassment may do so by reporting the concern to the College Title IX Coordinator:

Erica Foss

Title IX Coordinator

Office of the President, Cooper Hall

125 W Cooper, Sterling, KS 67579

620-278-4213 | titleix@sterling.edu

The College also designated the following Deputy Title IX Coordinator to assist the Title IX Coordinator in carrying out her duties under this policy:

Becky Voth

Director of Human Resources and Deputy Title IX Coordinator

Office of Human Resources, Kelsey Hall

125 W Cooper, Sterling, KS 67579

620-278-4220 | becky.voth@sterling.edu

In the event that an incident involves alleged misconduct by the Title IX Coordinator, reports should be made directly to the President of the College.

Harassment/Verbal Abuse/Abusive or Hostile Environment

In accordance with Title IX and the principles of human dignity and intrinsic value as found in Scripture, Sterling College affirms that its students, faculty, and staff have the right to be free from harassment by any member of the College community. Sterling College does not tolerate communication or action of any kind, which is intended to denigrate, threaten or harm others because of their race, sex, religion, age, disability or national origin. All such incidents of harassment will be subject to appropriate disciplinary action.

Sterling College stands fundamentally opposed to any form of sexual harassment (which includes gender discrimination, sexual violence, sexual harassment, dating violence, and stalking) and will do all in its power to promote an environment that allows students, faculty, and staff to be free from the intimidation and coercion that accompanies such actions.

“Sexual misconduct” is an umbrella term covering sex discrimination, sexual harassment, sexual violence, domestic violence, dating violence, and stalking. This term will be used throughout the remainder of this policy and the complaint resolution procedures when collectively referring to any of these types of conduct. Sexual misconduct offenses include, but are not limited to:

1. Sexual Harassment
2. Non-Consensual Sexual Contact (or attempts to commit same)
3. Non-Consensual Sexual Intercourse (or attempts to commit same)
4. Sexual Violence
5. Sexual Exploitation

1. Sexual Harassment

Sexual harassment is:

- Unwelcome,
- Sexual, sex-based and/or gender-based, verbal, written, online and/or physical conduct

Anyone experiencing sexual harassment in any College program is encouraged to report it immediately to the Title IX Coordinator or designee. Remedies, education and/or training will be provided in response.

Sexual harassment may be disciplined when it takes the form of quid pro quo harassment, retaliatory harassment and/or creates a hostile environment.

A hostile environment is created when sexual harassment is:

- Sufficiently severe, or
- Persistent and pervasive, and
- Objectively offensive such, that it:
 - Unreasonably interferes with, denies or limits someone’s ability to participate in or benefit from the college’s educational and/or employment, social and/or residential programs.

Quid Pro Quo Harassment is:

- Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature,
- By a person having power or authority over another constitutes sexual harassment, when
- Submission to such sexual conduct is made either explicitly or implicitly a term or condition of rating or evaluating an individual’s education [or employment] progress, development, or performance.
- This includes when submission to such conduct would be a condition for access to receiving the benefits of any educational [or employment] program.

Examples include, but are not limited to: an attempt to coerce an unwilling person into a sexual relationship; to repeatedly subject a person to egregious, unwelcome sexual attention; to punish a refusal to comply with a sexual based request; to condition a benefit on submitting to sexual advances; sexual violence; intimate partner violence; stalking; and gender-based bullying.

2. Non-Consensual Sexual Contact

Non-Consensual Sexual Contact is:

- An intentional sexual touching,
- However slight,
- With any object,
- By a person upon another person,
- That is without consent and/or by force.

Sexual Contact includes:

- Intentional contact with breasts, buttocks, groin, or genitals; or touching another with any of these body parts; or making them touch you or themselves with or on any of these body parts; or
- Any other intentional bodily contact in a sexual manner.

3. Non-Consensual Sexual Intercourse

Non-Consensual Sexual Intercourse is:

- Any sexual intercourse
- However slight,
- With any object,
- By a person upon another person,
- That is without consent and/or by force.

Intercourse includes:

- Vaginal or anal penetration by a penis, object, tongue or finger; and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

4. Sexual Violence

Sexual violence is a particularly severe form of prohibited sexual harassment. Sexual violence includes physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity, because he or she is below the minimum age of consent in the applicable jurisdiction, or because of his or her incapacitation due to the use of drugs and/or alcohol. Other types of conduct may also constitute sexual violence.

5. Sexual Exploitation

Occurs when one person takes non-consensual or abusive sexual advantage of another for his/her own advantage or benefit, or to benefit or advantage anyone other than the one being exploited, and that behavior does not otherwise constitute one of the other sexual misconduct offenses. Examples of sexual exploitation include, but are not limited to:

- Invasion of sexual privacy;
- Prostituting another person;
- Non-consensual digital, video, or audio recording of nudity or sexual activity;
- Unauthorized sharing or distribution of digital, video or audio recording of nudity or sexual activity;

- Engaging in voyeurism;
- Going beyond the boundaries of consent (such as letting your friend hide in the closet to watch you having consensual sex);
- Knowingly exposing someone to or transmitting an Sexually Transmitted Infection (STI), Sexually Transmitted Disease (STD), or Human Immunodeficiency Virus (HIV) to another person;
- Intentionally or recklessly exposing one’s genitals in non-consensual circumstances; inducing another to expose their genitals;
- Sexually-based stalking and/or bullying may also be forms of sexual exploitation.

Additional Applicable Definitions

- Consent
 - Consent is
 - Clear, and
 - Knowing, and
 - Voluntary [or affirmative, conscious and voluntary],
 - Words or actions,
 - That give permission for specific sexual activity.
 - Silence, in and of itself, cannot be interpreted as consent.
 - Consent to any one form of sexual activity cannot automatically imply consent to any other forms of sexual activity.
 - Previous relationships or prior consent cannot imply consent for future sexual acts.
 - Consent can be withdrawn once given, as long as that withdrawal is clearly communicated.
 - In order to give consent, one must be of legal age.
 - Sexual activity with someone you know to be, or should know to be, incapacitated constitutes a violation of this policy.
 - Incapacitation can occur mentally or physically, from developmental disability, by alcohol or other drug use, or blackout.
 - The question of what the responding party should have known is objectively based on what a reasonable person in the place of the responding party, sober and exercising good judgement, would have known about the condition of the reporting party.
 - Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g., to understand the “who, what, when, where, why, and how” of their sexual interaction).
 - This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint, or from the taking of date rape drugs. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketamine, GHB, Burundanga, etc. is prohibited and administering one of these drugs to another student is a violation of this policy. More information regarding these drugs can be found at <http://www.911rape.org>
- Force:
 - Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats) and coercion that overcome free will or resistance or that produce consent.
 - Coercion is unreasonable pressure for sexual activity. When someone makes it clear to you that they do not want sex, 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.
 - NOTE: There is no requirement for a party to resist the sexual advance or request, but

resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual, but non-consensual sexual activity is not by definition forced.

Use of alcohol or drugs will never function to excuse any behavior that violates this policy.

Other Misconduct Offenses

(Will fall under Title IX when sex or gender-based)

1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person.
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities on the basis of sex or gender.
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear or harm in another.
4. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the college community, when related to the admission, joining, or any other group-affiliation activity.
5. Bullying, defined as
 - a. Repeated and/or severe
 - b. Aggressive behavior
 - c. Likely to intimidate or intentionally hurt, control, or diminish another person, physically or mentally.
6. Intimate Partner Violence, defined as violence or abuse between those in an intimate relationship to each other. Here are a few examples:
 - a. A boyfriend shoves his girlfriend into a wall upon seeing her talking to a male friend. This physical assault based on jealousy is a violation of the this policy.
 - b. A student refuses to wear a condom and forces his girlfriend to take hormonal birth control though it makes her ill, in order to prevent pregnancy.
 - c. Married employees are witnessed in the parking lot, with one partner slapping and scratching the other in the midst of an argument.
7. Stalking
 - a. Stalking 1:
 - i. A course of conduct
 - ii. Directed at a specific person
 - iii. On the basis of actual or perceived membership in a protected class
 - iv. That is unwelcome, AND
 - v. Would cause a reasonable person to feel fear
 - b. Stalking 2:
 - i. Repetitive and Menacing
 - ii. Pursuit, following, harassing, and/or interfering with the peace and/or safety of another.

Confidentiality and Reporting of Offenses under This Policy

All Sterling College employees (faculty, staff, and administrators) are expected to immediately report actual or suspected discrimination or harassment to appropriate officials, though there are some limited exceptions. In order to make informed choices, it is important to be aware of confidentiality and mandatory reporting requirements when consulting campus resources. On campus, some resources may maintain confidentiality – meaning they are not required to report actual or suspected discrimination or harassment to appropriate college officials - thereby offering options and advice without any obligation to inform an outside agency or individual unless a victim has requested information to be shared. Other resources exist for a victim to report crimes and policy violations and these resources will take action when an incident is reported to them. The following describes the reporting options at the college:

Confidential Reporting

If a reporting party would like the details of an incident to be kept confidential, the reporting party may speak with:

- On-campus licensed professional counselors and staff:
- On-campus health service providers and staff
- On-campus Victim Advocate
- On-campus chaplain working within the scope of their licensure or ordination
- Off-campus:
 - Licensed professional counselors
 - Local rape crisis counselors
 - Domestic violence resources,
 - Local or state assistance agencies,
 - Clergy/Chaplains

All of the above employees will maintain confidentiality except in extreme cases of immediate threat or danger, or abuse of a minor. Campus counselors are available to help free of charge and can be seen on an emergency basis or during normal business hours. These employees will submit anonymous, aggregate statistical information for Clery Act purposes unless they believe it would be harmful to a specific client, patient or parishioner.

Federal Timely Warning Reporting Obligations

Victims of sexual misconduct should also be aware that Sterling College administrators must issue immediate timely warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the campus community. The college will ensure that a victim'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 danger.

Fair and Impartial Process

It is Sterling College's desire to treat all students equitably when there is a situation that warrants confrontation that could lead to a disciplinary response. Students who are suspended or dismissed will receive a verbal and/or written summary of the reported behavioral infraction and a written determination of the case in question. Students do have the right to appeal official disciplinary decisions resulting in suspension or dismissal.

Reporting Party: In this process, the person alleging a violation of policy is referred to as the reporting party.

Responding Party: In this process, the person who is alleged to have violated campus policy is referred to as the responding party.

Overview of Reports Concerning Discrimination and/or Harassment

The College does not permit discrimination or harassment in its programs and activities on the basis of race, color, national origin, sex, disability, veteran status, predisposing genetic characteristic, age, religion, pregnancy status or any other characteristic protected by college policy or state, local, or federal law. Anyone who believes they have been subjected to discrimination or harassment in violation of this policy should follow the procedure outlined in this document to report these concerns.

This process involves a prompt preliminary inquiry to determine if there is reasonable cause to believe the nondiscrimination policy has been violated. If so, the College will initiate an investigation that is thorough,

reliable, impartial, prompt and fair. This investigation determines whether the college nondiscrimination policy has been violated. If so, the College will promptly implement an effective remedy designed to end the discrimination, prevent its recurrence, and address its effects.

The College aims to bring all allegations to a resolution within a reasonably prompt time period, which can be extended as necessary for appropriate cause by the Title IX Coordinator with notice to the parties. In overview, the timeline for resolution begins with notice to a mandated reporter. The Coordinator then engages in a preliminary inquiry that is typically 1-3 days in duration. From there, the allegation can lead to a formal investigation, which usually starts within days of the preliminary inquiry's conclusion. Investigations range from days to weeks, depending on the nature and complexity of allegations, with the College commonly aiming for a 10-14 day window to completion. The parties are regularly apprised of the status of the investigation as it progresses. The process may then end or continue. If it continues, barring necessary extensions, the investigation leads to formal and informal resolution options, which the College aims to complete in 10-14 days from the end of the investigation. A failed informal resolution which triggers a formal resolution may require the College to extend this timeline accordingly. From there, appeals may be requested, with a three-day window to file appeal requests once a formal determination is reached, a three-day window to grant or deny the appeal request, and another 7-10 days for a final resolution to be reached. In rare cases where a remanded decision results in a new hearing, the results of that hearing can be appealed once, which would typically add another 10-14 days to final results.

Timing of Complaints

The College encourages persons to make complaints of sexual misconduct as soon as possible, because late reporting may limit the College's ability to investigate and respond to the conduct complained of.

Reporting an Incident of Sexual Misconduct

To the College

Any student victim of sexual misconduct may report the incident directly to an ARED, RED, academic advisor, coach, staff member, Office of Student Life or directly to the Title IX Coordinator. Every employee except the Campus Counselor, Sexual Assault Advocate and Chaplain are mandated to report sexual misconduct incidents to the Title IX Coordinator. Incidents of sexual misconduct may also be reported to the Campus Chaplain, Sexual Assault Advocate or the Campus Counselor; these individuals are not required to report any incident to any other department/person due to their position within this college.

After an individual reports an alleged sexual assault or misconduct, the Title IX Coordinator, with assistance from College officials, will provide the student or employee with safety planning which can include the following if reasonably available:

- Referral to counseling and health services
- Education to the community
- Altering the housing situation of an the responding party (resident student or resident employee (or the alleged victim, if desired))
- Altering work arrangements for employees
- Providing campus escorts,
- Providing transportation accommodations
- Implementing contact limitations between the parties
- Offering adjustments to academic deadlines, course schedules, etc.

To the Police

Individuals are strongly encouraged to report all incidents to the police; however, it is the individual's decision whether to file a police report. If the individual wishes, the College will provide assistance in contacting the police and accompanying her/him to the hospital and/or police station. Individuals will have access to support and referral services on-campus regardless of whether or not she/he decides to report the incident to the police. Individuals are strongly encouraged to have both a medical exam to ensure their well-being AND a rape kit collected in order to gather forensic evidence. When relevant, victims of sexual offenses have the right to seek an order of protection, no contact order, restraining order, or similar lawful order issued by a criminal, civil, or tribal court or enforce an order already in existence. The College will enforce any order of protection by informing staff of the protection order and holding the alleged perpetrator accountable to comply with the order.

The College will assist the victim of such sexual offenses, when relevant, to seek an order of protection, no contact order, restraining order, or similar lawful order issued by a criminal, civil, or tribal court or enforce an order already in existence.

Confidentiality of Information

The College will make every effort reasonably possible to preserve the privacy of an individual who makes a report under this policy and to protect the confidentiality of the information reported, subject to the "due process" rights of an accused. The degree to which confidentiality can be protected, however, also depends upon the College's legal duty to respond to the information reported and the professional role of the person being consulted. The person being consulted should make these limits clear before the disclosure of any facts.

As required by law, all disclosures to any College employee (except clergy and campus counselor) of an on-campus act of sexual misconduct are tabulated for statistical purposes without personal identifying information.

Sexual Misconduct Complaint Procedure

Step 1: Complaint is filed.

Upon receiving a complaint, the Title IX Coordinator, or designee shall conduct an initial evaluation of the merits of the complaint and determine the appropriate investigatory action required.

- Within seven working days, the Title IX Coordinator, or designee will acknowledge complaint receipt with the reporting party.
- The Title IX Coordinator, or designee has 15 working days to contact the reporting party to clarify their complaint allegations.

Step 2: Notification of Investigation

The Title IX Coordinator, or designee will make efforts, as appropriate and with written authorization from the reporting party, to achieve an informal resolution to the complaint. If an informal resolution is not achievable, the Title IX Coordinator or designee, within 30 days, will inform the reporting party in writing whether or not an investigation is warranted.

Step 3: Investigation

The investigation will include the following steps:

- **Contact with the Reporting Party** – The Title IX Coordinator, or designee will meet or speak with the reporting party to gather the facts relating to the complaint and give the reporting party the opportunity to provide a statement.
- **Notice to Responding Party and Opportunity to be heard** – The responding party will be provided with a statement of the complaint in writing, and the reporting party will be provided a copy of this notification. The responding party will be afforded the opportunity to meet with the

Title IX Coordinator, or designee and respond to the complaint in writing, within 10 days of being notified.

- **Notice Regarding Retaliation** – All parties to a complaint (reporting party, responding party, witnesses, and appropriate administrators or supervisors) will be informed during first contact with the investigator that retaliation by an individual or his/her associates against any person who files a complaint or any person who participates in the investigation of a complaint is prohibited.
- **Representation** – In any meeting with the Title IX Coordinator, or designee, the parties to the complaint (both reporting and responding parties) may bring a representative to the meeting.
- **Confidentiality** – All complaints will be handled discreetly, however the Title IX Coordinator cannot guarantee confidentiality or anonymity because the College has an obligation to investigate complaints, and to maintain a safe environment free from harassment and discrimination. Because of its obligations under the law, the College will not be able to honor all requests for confidentiality or all requests that complaint not be investigated or pursued. There are instances where a complaint may be investigated on an anonymous basis.

Step 4: Investigative Findings

The Title IX Coordinator, or designee provides a written investigation summary and findings to reporting party, responding party, and appropriate administrator within a reasonably prompt time frame, after a complaint is filed. The appropriate College official will use these investigative findings to determine what action, if any, should be taken according to College policy.

The proceedings (defined as a series of events) shall:

- provide a prompt, fair, and impartial investigation and resolution
- be conducted by officials who receive annual training on issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability

After reviewing all relevant information, the Title IX Coordinator, or designee will make a judgment and communicate the decision in writing simultaneously to all involved parties.

Information will include:

- The outcome of the institutional disciplinary proceeding.
- The institution's procedures for the accused and the victim to appeal the results (defined as an outcome of the institutional decision).
- Any change in the results that occurs prior to the time the results become final.
- The point at which the results become final
- Any disclosure of results:
 - o Shall include only the name of the accused, the violation alleged, and whether any institutional rules or code sections were violated; essential findings supporting such result; and any sanction imposed by the College against the accused (including a description of any disciplinary action taken by the College, the date of the imposition of such action, and the duration of such action)
 - o Shall include a notice of whether an appeal will be permitted, notice of the grounds for appeal, and a clear statement that if an appeal is permitted both the accuser and the accused shall be entitled to appeal
 - o Shall not include identifying information about the victim.

The reporting party and responding party shall have equal rights in all phases of the hearing and appeal processes.

Disciplinary Sanction for Harassment and Sexual Assault Cases

Sanctions that may be imposed upon a student found to have perpetrated a sexual offense (which includes intimate partner violence, domestic violence, sexual assault, or stalking) will range from disciplinary probation with required counseling, to residential relocation or academic rescheduling, to suspension or dismissal from the College.

After an investigation, if the Title IX Coordinator determines that it is more likely than not (preponderance of the evidence standard) that the College's sexual harassment policy has been violated, the Title IX Coordinator will refer the responding party to the appropriate College office for disciplinary action. Student matters will be referred to the VP for Student Life. Hearing procedures for violations of the sexual harassment policy can be found in the Student Handbook.

Sanctions Following a Final Determination

Behaviors and actions that violate College policy, including sexual assault, can be subject to investigation, remedial measures, and sanctions. Remedial measures and sanctions may include

- Faculty, Staff, and Student Employees
 - Warning;
 - Reassignment of duties;
 - Demotion;
 - Suspension without pay; and/or
 - Dismissal
- Students
 - Disciplinary Warning
 - Disciplinary Probation
 - Campus Community Service
 - Fines
 - Required Counseling
 - Residential Relocation
 - Academic Rescheduling
 - Student Suspension or Dismissal

The College will, upon written request, disclose to the alleged victim of a crime of violence, or a non-forcible sex offense, the results of any disciplinary hearing conducted by the College against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, The College will provide the results of the disciplinary hearing to the victim's next of kin, if requested.

Sanctioning for Sexual Misconduct

- Any person found responsible for violating the Non-Consensual Sexual Contact policy (where no intercourse has occurred) may receive a sanction ranging from probation to dismissal, depending on the severity of the incident, and taking into account any previous disciplinary violations.*
- Any person found responsible for violating the Non-Consensual Sexual Intercourse policy may face a recommended sanction of suspension or dismissal (student) or suspension or termination (employee).*
- Any person found responsible for violating the Sexual Exploitation or Sexual Harassment policies may receive a recommended sanction ranging from warning to dismissal or termination, depending on the severity of the incident, and taking into account any previous disciplinary violations.*

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

Prohibition against Retaliation

All persons are absolutely prohibited from taking any action against any other member of the College community, including but not limited to, the reporting party, responding party, or witnesses to an alleged incident of sexual misconduct. Any person engaging in any retaliatory action(s) will be subject to a separate complaint and appropriate sanctions for determined violations up to and including dismissal from the College.

Participation of Advisors in the Resolution Process

All parties are entitled to an advisor (or representative) of their choosing to guide and accompany them throughout the campus resolution process. The advisor may be a friend, mentor, family member, attorney or any other supporter a party chooses to advise them, who is both eligible and available. People who will be called as witnesses may not serve as advisors. The parties are entitled to be accompanied by their advisor in all meetings and interviews at which the party is entitled to be present, including intake, interviews, hearings and appeals. Advisors should help their advisees prepare for each meeting, and are expected to advise ethically, with integrity and in good faith. The College cannot guarantee equal advisory rights, meaning that if one party selects an advisor who is an attorney, but the other party does not, or cannot afford an attorney, the College is not obligated to provide one.

Reporting parties may wish to contact organizations such as:

- The Victim Rights Law Center (<http://www.victimrights.org>), or the
- The National Center for Victims of Crime (<http://www.victimsofcrime.org>), which maintains the Crime Victim's Bar Association.]

All advisors are subject to the same campus rules, whether they are attorneys or not. Advisors may not present on behalf of their advisee in a meeting, interview or hearing and should request or wait for a break in the proceeding if they wish to interact with campus officials.

Requesting an Appeal

In the event that the responding party accepts the findings of the investigation, those findings cannot be appealed. Sanctions imposed by the Office of Student Life post-investigation can be appealed by any party according to the grounds, below. **Post-hearing, any party may appeal the findings and/or sanctions only under the grounds described, below.**

1. A procedural or substantive error occurred that significantly impacted the outcome of the hearing (e.g. substantiated bias, material deviation from established procedures, etc.)
2. To consider new evidence, unavailable during the original hearing or investigation, that could substantially impact the original finding or sanction. A summary of this new evidence and its potential impact must be included;
3. The sanctions imposed fall outside the range of sanctions designated for this offense and the cumulative conduct history of the responding party.

Students wishing to appeal a disciplinary decision resulting in suspension or dismissal must proceed as follows:

Either party has 5 business days after the disciplinary sanctions have been given to submit a written

statement to the VP for Student Life. The Student Life Appeals Board will consider the merits of an appeal on the basis of the information provided in the student's written statement, all the material or testimony previously presented, or a written summary of the previous proceedings. The Student Life Appeals Board may also meet with the student, any witnesses, and/or original hearing body prior to making a decision regarding the appeal. The Student Life Appeals Board will review appeals to determine whether the original decision is supported by substantial evidence. The Student Life Appeals Board will communicate its decision on the student's appeal in writing no later than three (3) days following receipt of the appeal. These results will become final after the Student Life Appeals Board makes a decision.

1. Appeals must be made in writing and filed at the Office of the Vice President for Student Life. Appeals must be made within 48 hours after the student has been informed of the disciplinary decision.
2. The written statement must specify the basis for the appeal and provide all documentation available to support that claim.
3. The Student Appeals Board will review each case, schedule a hearing, and rule on the appeal. The decision of the Student Appeals Board is final.
4. The student appealing has the right to appear at the hearing and to present their evidence (with or without legal counsel).
5. If the student appeals the disciplinary action involving, suspension or dismissal, the discipline sanctions may be stayed pending the completion of the appeal process. If the student appeals the disciplinary action, the College, in its discretion, may stay the discipline actions pending the completion of the appeal process.

After the Student Appeals Board rules, or when the student has failed to follow appropriate appeal procedures, the disciplinary decision then becomes final.

Truthfulness

One of the core values of the Sterling College community is integrity and truth telling. As such, all individuals participating in the student discipline process are expected to tell the full and complete truth in all disciplinary matters. In order to ensure this is possible, individuals participating in student discipline hearings regarding an alleged violation of the Sexual Misconduct Policy should expect the Student Life Committee to exercise discernment and discretion regarding how to appropriately respond to other violations of the Community Life Statement or College policy that may arise in the hearing process. Victims of sexual assault should not let fear of "getting in trouble" because of alcohol use, or violations of other campus policies, keep them from reporting a sexual assault. A victim of sexual assault will not be subject to discipline sanctions for alcohol use where the sexual assault involves the victim's consumption of alcohol in a manner that violates College policy. However, if there is a concern about a student's safety and/or use of alcohol and other drugs, the College may recommend or require counseling or other educational resources to the affected student.

Independent of the decision made by the student to address the issue, the College retains the right to pursue an institutional investigation and/or disciplinary action in a case of alleged sexual offense. In any such College action, the accuser and the accused shall have the same opportunities at the judicial hearing to have others present and both will be informed of the outcome.

Additional Resources.

College and Community Resources

The following resources are available to students and other members of the Sterling College community for information and support concerning sexual assault:

Campus Resources

| | |
|----------------------------------|--------------|
| Vice President for Student Life: | 620-278-4232 |
| Title IX Coordinator | 620-278-4213 |
| Campus Counselor: | 620-278-4202 |
| Campus Nurse: | 620-278-4505 |
| Resident Director on call: | 620-278-6218 |

Community Resources

Sexual Assault/Domestic Violence Center, Inc. Offices:

| | |
|---|---|
| Lyons 117 West Ave. South Lyons, KS 67554 Phone: 620-257-3272 24-hour hotline: 1-800-701-3630 | Hutchinson 335 N. Washington, Ste. 240 Hutchinson, KS 67501 Phone: 620-665-3630 24-hour hotline: 1-800-701-3630 |
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Family Crisis Center
2008 11th St.
Great Bend, KS 67530
620-793-9941
Crisis Line: 1-866-792-1885

Legal Assistance

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| Randall Henry 113 S. Broadway Sterling, KS 67579 620-278-2880 | Bush, Bush & Shanelec 229 S. Broadway Sterling, KS 67579 620-278-2331 |
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If a sexual offense occurs, including rape and acquaintance rape, the following procedures should be followed:

- Remain calm and alert.
- Go to a safe place: your home, campus residence or the residence of a trusted friend.
- Call someone to be with you: a friend or family member; someone with whom you are close.
- Contact someone from the College: contact a faculty member, coach, RA, RD, or anyone from the Student Life Office. An SC staff member will be willing to help the student in any way.
- Because physical evidence is of utmost importance:
 - **DO NOT** change your clothing.
 - **DO NOT** shower, bathe, or douche.
 - **DO NOT** apply medication to any injuries you may have sustained, unless absolutely necessary.
 - **DO NOT** disturb anything in the area where the assault occurred, if in an area where you have control.
- Be sure to obtain **medical attention**, even if you need time before reporting the crime to police or College officials.
- Call the Sexual Assault/Domestic Violence Center Hotline at 1-800-701-3630.
- Write down as much as you remember about the circumstances of the rape and of the individual(s) involved.
- Be sure to seek counseling and emotional support from a counseling agency such as the Domestic Violence Center and the Student Life Office.