

## Sexual Conduct Policy

Simpson College is committed to providing a learning environment free of all forms of abuse, assault, harassment, and coercive conduct, including sexual misconduct. Sexual misconduct which includes sexual assault is a serious offense. The College encourages students to report sexual assault promptly to local law enforcement agencies. Sexual assault also violates the Simpson College Code of Conduct, and will not be tolerated in this community of trust. The College urges students to report sexual assault under these administrative provisions. The sexual conduct policy includes definitions of terms, prevention information, procedures, and resources available in the event of sexual harassment, sexual assault, or rape. Students, faculty, staff, and consultants continually evaluate the College's practices and procedures regarding inappropriate sexual conduct.

Simpson College does not tolerate sexual misconduct in any form. Sexually abusive behavior within the college community is harmful to both the learning environment and the sense of community the college is trying to foster among students, faculty, staff, and administrators. All members of the College community have an obligation to act responsibly in the realm of sexuality. This includes accepting personal responsibility for choices made about alcohol and drug consumption which might lead to behavior which violates another person. Additionally, all members of the College community have the responsibility to recognize and challenge any sexual misconduct. The purpose of these policies and procedures is to encourage students to take responsibility for their behavior, to ensure compliance with applicable campus, state and federal regulations, to fairly discipline and sanction behavior that is inconsistent with the Simpson College Code of Conduct, and to educate students about implications and consequences of their behavior.

Simpson students are expected to maintain the highest ethical standards of honesty and respect for others. College students, often away from home for the first time, may be unsure of how to handle situations such as rapidly expanding social circles and a lack of parental restrictions. In the context of intimate relationships, the use of alcohol or other drugs can blur the distinction between consent and manipulation. Non-stranger (date/acquaintance) rape happens most frequently at or after parties. Unfortunately, college age students traditionally take the fewest precautions to prevent rape. Real or perceived power differentials between individuals also may create an atmosphere of coercion that can significantly impair the ability to consent. Being under the influence of alcohol or drugs is not an excuse under these procedures.

The information that follows is designed to provide a clear understanding of expectations and outcomes regarding sexual conduct at Simpson College.

### STATEMENT OF POLICY

Sexual misconduct is not tolerated at Simpson College. It is the policy of the College to provide education to help prevent sexual misconduct through the following measures:

- Inform faculty, staff and students of the procedures for reporting sexual misconduct to the Indianola Police Department and Campus Security.
- Educate faculty, staff and students as to common sense practices which may enable them to avoid becoming victims of sexual misconduct.
- Assure that Campus Security and College personnel are aware of their responsibilities, the College's policy, the laws and potential liabilities when sexual misconduct occurs.
- Inform faculty, staff and students of the counseling services available to victims of sexual misconduct.
- Encourage victims of sexual misconduct to help punish perpetrators through use of the criminal courts.
- Educate faculty, staff and students to be respectful of the limits expressed or implied by their partners in sexual contacts.

### **Sexual Misconduct Offenses Include, But Are Not Limited To**

*Non-consensual sexual intercourse (or attempts to commit same):* Non-consensual sexual intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object, by a man or woman upon a man or a woman, without effective consent.

*Non-consensual sexual contact (or attempts to commit same):* Non-Consensual Sexual Contact is any sexual touching (including disrobing or exposure), however slight, with any object, by a man or a woman upon a man or a woman, without effective consent.

*Sexual Exploitation:* Sexual Exploitation happens when a student takes non-consensual, unjust 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 three sexual misconduct offenses.

Examples of sexual exploitation include, but are not limited to, prostituting another student, non-consensual video or audio-taping of sexual activity, going beyond the boundaries of consent (such as letting your friends surreptitiously watch you having consensual sex), engaging in Peeping Tommmery, and knowingly transmitting an STD or HIV to another student.

*Sexual Harassment:* Sexual harassment may include, but is not limited to, unwelcome sexual advances, request for sexual favors, verbal or written comments or physical conduct of a sexual nature when such conduct: 1) is made, either explicitly or implicitly, a term or condition of instruction, employment or participation on college activities; 2) is used as a basis for evaluation in making academic or employment decisions affecting an individual; or 3) creates an intimidating, hostile, or offensive work or academic environment.

Examples of sexually harassing behavior may include unwelcome touching, sexually explicit offensive jokes, graphic or degrading verbal or written comments or questions of a sexual nature. Sexual verbal abuse is defined as using language that is sexual in nature and unwanted on the part of another person. Examples include, but are not limited to, Verbal sexual innuendo, threats, and/or obscene gestures; inappropriate humor and jokes about gender specific traits or sexual orientation; sexual propositions; suggestive or insulting sounds and actions, including, whistling, leering, and obscene gestures; and phone calls or use of written and/or verbal communication that are intimidating, threatening, or obscene in nature. Please refer to the Harassment Policy in Student Handbook for more information on reporting and adjudication procedures involving sexual harassment.

### **Definition of Common Terms:**

#### *Sexual abuse*

Iowa law defines "sexual abuse" as follows: Any sex act between persons is sexual abuse by either of the participants when the act is performed with the other participant in any of the following circumstances:

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

#### *Sex Act*

Iowa law defines "sex act" as follows:

"The term sex act means any sexual contact between two or more persons by: penetration of the penis into the vagina or anus; contact between the mouth and genitalia or by contact between the genitalia of one person and the genitalia or anus of another person; contact between the finger or hand of one person and the genitalia or anus of another person...or by use of artificial sexual organs or substitutes therefore in contact with the genitalia or anus."

### **Intercourse**

Intercourse is not synonymous with penetration. If it were, non-consensual French kissing could meet the definition of oral rape; intercourse is more limited. Intercourse includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact).

### **Sexual Touching**

Sexual touching is any contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts.

### **Incapacitated Sex**

Being drunk is never an excuse for violation of this policy. To have sex with someone who you know to be, or should know to be incapable of making a rational, reasonable decision about a sexual situation is a violation of

policy. This includes someone whose incapacity results from taking the so-called “date-rape drug.” Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student for the purpose of inducing incapacity is an offense of the most serious nature.

## **Effective Consent**

Effective Consent is informed, freely and actively given, mutually understandable words or actions which indicate a willingness to participate in mutually agreed upon sexual activity. Consent is not effective if it results from the use of physical force, threats, intimidation, or coercion.

### **Consent may not be given when**

Consent which is obtained through the use of fraud or force (actual or implied) whether that force be physical force, threats, intimidation, or coercion, is **ineffective consent**

- *Physical force* exists, for example, when someone acts upon you physically, such as hitting, kicking, restraining or otherwise exerting their physical control over you through violence.
- *Threat* exists where a reasonable person would have been compelled by the words or actions of another to give permission to sexual contact they would not otherwise have given, absent the threat. For example, threats to kill you, themselves, or to harm someone you care for are sufficient to constitute threats.
- *Intimidation* exists where someone uses their physical presence to menace you, though no physical contact occurs, or where your knowledge of prior violent behavior by an assailant, coupled with menacing behavior, places you in fear as an implied threat.
- *Coercion* exists when a sexual initiator engages in sexually pressuring and/or oppressive behavior that violates norms of respect in the community, such that the application of such pressure or oppression causes the object of the behavior to engage in unwanted sexual behavior. Coercion may be differentiated from seduction by the repetition of the coercive activity beyond what is reasonable, the degree of pressure applied, and the initiator’s knowledge that the pressure is unwanted.

### **Consent may never be given by**

- *A minor to an adult.* Someone under the age of 16 cannot give consent to someone over the legal age of consent (18), absent a legally valid marriage or court order.
- *Mentally disabled persons* cannot give consent to a sexual activity if they cannot appreciate the fact, nature, or extent of the sexual situation in which they find themselves.
- *Physically incapacitated persons.* One who is physically incapacitated as a result of alcohol or other drug consumption (voluntary and involuntary), or who is unconscious, unaware, or otherwise physically helpless, is incapable of giving consent. One may not engage in sexual activity with another who one knows or suspects to be physically incapacitated. *Physically incapacitated persons are considered incapable of giving effective consent when they lack the ability to appreciate the fact that the situation is sexual, and/or cannot rationally and reasonably appreciate the nature and extent of that situation.*

### **What You Need To Know About Consent**

- ✓ *At the heart of the idea of consent is the idea that every person, man or woman, has a right – to personal sovereignty—not to be acted upon by someone else in a sexual manner unless he or she gives clear permission to do so.*
- ✓ *Consent can be broad or narrow and can be limited, such as in cases where someone is willing to engage in some forms of sexual activity, but not in others.*
- ✓ *Consent to one form of sexual activity never can imply consent to other forms of sexual activity.*
- ✓ *Consent may be given verbally or nonverbally, based on an active, informed, freely decided choice.*
- ✓ *Consent means you can’t make assumptions about what your partner does or does not want. Absence of clear signals means you can’t touch someone else, not that you can.*
- ✓ *Consent means two people deciding together to do the same thing, at the same time, in the same way, with each other.*
- ✓ *The idea of consent completely rules out any need to show the use of force, or any type of resistance.*
- ✓ *Consent requires that the person initiating the sexual activity gets permission to do so, and that permission does not exist in the absence of resistance.*
- ✓ *Passively allowing someone to touch you in a sexual manner is not consent.*
- ✓ *There is no duty for an alleged survivor to fight off or act in any way to stop a sexual aggressor.*

- ✓ There must be a verbal or non-verbal “Yes” in order for any permissible sexual activity to take place.
- ✓ There are circumstances, as well, where even when consent is given, it is not valid. Consent would be invalid when forced, threatened, intimidated, coerced, when given by a mentally or physically incapacitated person, or when given by a minor.
- ✓ We can’t play the game of “If she/he doesn’t want it, she’ll/he’ll stop me.” That’s based on antiquated resistance requirements. It’s not her or his job to resist, but yours to respect her or his boundaries and find out what they are if they are unclear.
- ✓ No means no, but nothing also means no. Silence and passivity do not equal permission.
- ✓ The idea that kissing always leads to fondling, which always leading to petting, which leads to some sort of intercourse is a notion that is based on stereotypical sexual patterns and beliefs. Mutual exchanges must involve the expectations and desires of each person involved.
- ✓ To be valid, consent must be given prior to or contemporaneously with the sexual activity.
- ✓ Consent can be withdrawn at any time, as long as that withdrawal is clearly communicated by the person withdrawing it.
- ✓ Silence, previous sexual relationships, and/or current relationship with the accused (or anyone else) may not, in themselves, be taken to imply consent.
- ✓ Consent cannot be implied by attire, or inferred from the buying of dinner or the spending of money on a date.
- ✓ Intentional use of alcohol/drugs by the accused is not an excuse for violation of the sexual conduct policy.
- ✓ Consent to sexual activity may be withdrawn at any time, as long as the withdrawal is communicated clearly (because you cannot be expected to read the mind of your sexual partner(s)), and all sexual activity must cease.
- ✓ Consent has an expiration date. Consent lasts for a reasonable time, depending on the circumstances.
- ✓ Attempts to commit sexual assault or rape are also prohibited under this policy, as is aiding the commission of sexual misconduct as an accomplice.

## **TIPS ON PREVENTION**

It can be difficult to discuss sexual expectations with someone—especially when it is early on in a relationship. However, both men and women must take responsibility to prevent rape. Listed below are prevention tips for men and women. Although no single method will make you immune from rape or assault, there are steps you can take to avoid potentially damaging situations.

### **Responsibilities for Both Men and Women**

1. Get to know your partner and discuss sexual expectations before you find yourself in an intimate situation—don’t let sex “just happen.”
2. Clearly communicate your desires and limits. Don’t make assumptions.
3. Avoid excessive use of alcohol.
4. Be assertive. If you say “no,” say it clearly.
5. Listen—and hear. Being told “no” is not a rejection of you as a person. You can also say “no.”
6. Pay attention to your non-verbal actions.
7. Accept your partner’s decision. Don’t try to coerce or manipulate.
8. Understand and accept that you are responsible for your behavior and choices.
9. Trust your instincts. If you think something is wrong, you are probably right. Get out of the situation immediately.

## **IF SEXUAL MISCONDUCT OCCURS**

If sexual misconduct occurs many survivors do not know where to turn for help or what steps to take after an assault has been committed. Although the choices about which options to explore rest solely with the affected student, Simpson College encourages students to take the following steps:

- Get to a safe place as soon as possible.
- Contact the Indianola Police Department (9-911). Campus Security should also be notified (x1711 from any campus phone, or activate any of the emergency telephones located around campus).
- Do not blame yourself. Sexual assault is **never** the survivor’s fault. Every attempt will be made to keep the student free from any suggestion that she/he is responsible or was “contributory negligent” or assumed the risk of being a survivor of sexual misconduct..
- Survivors of sexual misconduct are strongly encouraged to seek immediate medical attention at an area hospital or medical clinic. If the survivor wishes, they will be assisted in seeking prompt medical attention with a member of the Simpson College staff accompanying the survivor to a local hospital.

- If at all possible, do not change clothes, shower, bathe, douche, or urinate. Emergency room personnel are trained to check for injuries, as well as collect physical evidence. It is important to preserve evidence as it may be necessary for the proof of criminal sexual misconduct should you decide to pursue charges through the Indianola Police Department. Costs for providing and administering the “rape kit” are incurred by the Iowa Department of Public Health.
- Please be aware that hospital personnel are obligated to contact proper authorities regarding the assault. Although you are not obligated to do so, survivors of sexual misconduct are highly encouraged to take advantage of victim’s services to help you understand your options for off-campus proceedings and to receive counseling specific to your needs.
- The College will do everything possible to provide a climate that is sensitive to and respectful and supportive of individual needs. The student will have access to existing campus counseling and support services and, when appropriate, adjustments will be made to housing assignments, academic schedules, etc.
- Supporting the survivor is of primary consideration, as are exploring options and protecting the individual’s rights. The individual has a right to confidentiality and to determine what options to pursue. Every report of sexual misconduct will be taken seriously and action will be taken as appropriate.

**Remember: you are not alone.** The following offices can provide you with the assistance and support you need:

Counseling Services, 961-1667

Campus Security, 961-1711

Student Development Office, 961-1592

College Chaplains’ Office, 961-1684 or 961-1716

Health Services, 961-1604

Polk County Crisis and Advocacy Services, 515-286-3600

Indianola Police Department, 911

Iowa Methodist Hospital, 241-6423

Iowa Lutheran Hospital, 263-5120

Mercy Medical Center, 247-3121

## **Procedures For Reporting Sexual Misconduct**

### *Confidentiality*

When an individual is affected by an incident involving sexual misconduct, sexual assault or sexual harassment within or outside of the Simpson College Community, there are some people s/he can talk to with who can provide completely confidential advice and assistance. They will listen and explain her/his options. Talking to any of the individuals listed as a college confidential option **does not** constitute reporting the incident except for the statistical reporting required by the federal government (see below). The options for reporting sexual misconduct follow.

### *Reporting Options*

Incidents of sexual misconduct are notoriously underreported on college campuses, often because the victims/survivors do not recognize their experience as a criminal offense and/or a college violation or their lack of knowledge of and/or discomfort with campus and community resources. By seeking assistance and reporting sexual misconduct, you can begin your own healing process and promote the standards of community and respect that are a part of Simpson College. Helping the survivor look at options for reporting the assault/misconduct and taking care of herself/himself are the focus of the following paragraphs. Along with these options, Simpson College strongly encourages a survivor of sexual misconduct to make a report to the Indianola Police Department and to speak with a rape crisis or other counselor, on or off campus.

Sexual assault is a criminal matter. Indianola police officers are trained in handling sexual assault cases. An officer can be dispatched to campus to meet with the person calling, to assist the survivor in obtaining medical attention and emotional counseling, and to write a formal report of the incident. The police report and any supporting evidence are turned over to the Warren County Attorney’s office, which decides whether there is sufficient evidence to prosecute.

### *College Confidential Options*

Simpson College provides campus counselors, chaplains, and health service nurses on campus who can legally keep a sexual assault discussion completely confidential. Campus counselors are available free of charge to help students and can be seen on an emergency basis. In addition, students may choose to consult off-campus members of the clergy, who will also maintain absolute confidentiality. This gives the survivor complete control

over her/his own decisions to report. These confidential options will also supply the student with information regarding medical care.

All other employees are not confidential resources and are required by law to report sexual misconduct.

#### *College Official Report*

An official College report is a documentation of sexual misconduct/assault. Any individual sexually assaulted by a Simpson College student (on campus, or in a program or activity under Simpson College jurisdiction), or any Simpson College student who is assaulted is encouraged to report the incident formally to one of the following individuals: the Associate Dean of Students; Director of Security; Simpson College Security officers; any "on call" Residence Life staff member; the Dean of Students and any other student development staff member or any other administrator with supervisory responsibility. These people are required by law to file an official report if told about sexual misconduct/assault. After hours, these individuals can be reached through the campus security, which can either connect the caller or provide a home phone number for the particular staff member.

#### *Federal Statistical Reporting Obligations*

The Federal Government requires campus law enforcement to publish an annual Campus Security Report describing the types of sexual misconduct incidents that have occurred and their general location (on or off campus or in the surrounding area; no addresses are given). These reports contain statistical information only. All personally identifiable information is kept confidential. This report helps to ensure greater community safety by providing the community with a clear picture of the nature and extent of campus crime. The college requires that all employees provide statistical information to Campus Security.

#### *Federal Timely Warning Reporting Obligations*

Victims of sexual misconduct should also be aware that college administrators must issue timely warnings regarding incidents whose perpetrators continue to pose a substantial threat of bodily harm or danger to members of the campus community. The college will make every effort in such cases to ensure that a victim's name and other identifying information is not disclosed, while still providing sufficient information to permit students to make appropriate decisions about their safety. Persons required to report timely warnings are the same persons listed under the preceding "Federal Statistical Reporting Obligations."

### **THE ADJUDICATION PROCESS**

The College's adjudication procedures should be viewed as a resource to the survivor of sexual misconduct. Sexual assault and rape are criminal violations and violations of College policy. A student charged with sexual misconduct can be prosecuted under the Iowa Criminal Code and *separately* adjudicated by the College. Even if the criminal justice authorities choose not to prosecute, a student charged with any type of sexual misconduct will be subject to the College disciplinary process. Hearing procedures and disciplinary sanctions are outlined below.

#### **Initial Steps**

As described above, it is possible for a survivor to make a first report to a number of different contact points throughout the college community (Health Center, Counseling Center, Chaplains, Student Development, Campus Security). If, after meeting with any of these contact points, the survivor determines that he or she would like to pursue a college disciplinary hearing, the contact point will direct the student to meet with the Associate Dean of Students.

Once a meeting is arranged, the Associate Dean will outline the options available, including how a conduct hearing will work, along with its possible outcomes. If the survivor decides to make a charge, the Associate Dean will take a written and/or tape-recorded statement of the survivor's account of the incident (or, the survivor may give such a statement directly to Campus Security). The accused student will also be given the opportunity to provide the Associate Dean with a written and/or tape-recorded statement after the charge has been made by the survivor. *It should be noted* that if Campus Security has already taken a written statement from the survivor and/or the accused, the Associate Dean may use these statements in lieu of the statements mentioned above.

The Associate Dean will then present the accused student with a written statement of the survivor's charges against him or her. The investigation will also generally include interviews and written statements from any witnesses, as well as any other evidence relevant to the incident.

The survivor and accused will be permitted to have their counsel or an advocate present during the interviews and the hearing. Survivors utilizing an advocate should use the same advocate throughout the process.

The Associate Dean will notify the accused student that the hearing board members are being chosen and provide him or her with the date of the hearing. Scheduling of the hearing will be held within 5 working days of the survivor's initiation of charges. If this condition cannot be met, both the survivor and the accused will be notified

regarding the status of the case. Both the survivor and the accused will be informed in writing of the hearing format and specific charges.

If the Associate Dean determines that it is in the best interest of either student for safety or other reasons, the accused and/or the survivor will be provided different accommodations. Both students will be instructed to avoid all contact with the other. If these instructions are not heeded, disciplinary action will be taken, including the possibility of immediate suspension from the College and trespass from campus. Additionally, assistance is available for changing academic and living situations after a report of sexual misconduct is filed, if so requested by the survivor and if such changes are reasonably available.

**Note:** In the context of the College conduct process, the survivor is initiating formal allegations of misconduct. The charges of misconduct remain allegations until a decision is reached by the Sexual Misconduct Review Board.

### **Composition of the Sexual Misconduct Review Board**

The Sexual Misconduct Review Board is composed of administrators and staff members. Board members are appointed by the Dean of Students each fall for a one year term. When selected, all members of the board receive comprehensive training. When it is necessary to convene a Sexual Misconduct Review Board, the Dean of Students will select three people from the pool of board members to hear any given case. Both men and women will comprise the pool and each convened board. The Associate Dean will serve as an ex officio member of the Sexual Misconduct Review Board without vote and will chair the board during the hearing and provide administrative support and clarifications as needed.

The students involved may challenge the composition of the board. The accused and survivor will be notified of the names of those who will serve on the board at the time the hearing is scheduled. If either objects to any member or members of the board, he or she must commit the reasons for the objection to writing. The Dean of Students will review the objection and decide whether the hearing board member(s) should or should not be replaced. Removal from the hearing board will occur only if the Dean of Students is convinced that absence of impartiality or other extenuating circumstances would result from allowing the hearing board member to adjudicate the incident. Any member who personally knows either the accused or the survivor may be excused from the case.

### **Elements of the Hearing**

The hearing will be convened in a private room where there will be no disturbances from other members of the campus community. ***The hearing will not be open to the public.*** A record of the hearing (audio tape recording and/or written) will be maintained and made available to the accused and survivor if requested. There will be separate waiting rooms for the accused's witnesses and for the survivor's witnesses. The witnesses should be the same witnesses interviewed as part of the investigation process. The statements from witnesses obtained during the investigation may be submitted in lieu of actual witness testimony.

The survivor and the accused do *not* need to be present in the hearing room at the same time. Both the survivor and the accused may be present throughout the hearing. Both may present evidence on their own behalf through the presentation of witnesses and/or statements of witnesses. Both may choose a person to accompany them during the judicial proceedings. Both may have advisory participation from counsel. However, such counsel may not serve in an advocacy role in the hearing.

The survivor will present his or her case first, and be able to call witnesses and/or present witness statements. There are some situations in which the survivor cannot or will not present his or her own case. In these situations, the Associate Dean may appoint an administrator to present the case for the College in the survivor's stead. Every attempt will be made for the survivor to have input on the selection that administrator, the survivor still may be present throughout the entire proceeding.

Next, the accused student may present his or her case. Then, the accused can call witnesses and/or present witness statements. The hearing board may recall the survivor, accused students, and any witness at any point to clarify or challenge statements made during the hearing. The hearing board members are allowed to ask questions at any point throughout the hearing. Neither the accused nor the survivor may directly question each other during the hearing. Questions and clarifications must be directed to the board.

Prior sexual behavior/sexual history of the survivor is not relevant and will not be allowed to be presented during the hearing. Hearing board members are obligated to prevent such information from being admitted

### **The Decision Making Process**

Once the hearing is concluded, the board members will, after meeting in closed session, render a decision within 48 hours. However, if they cannot reach a decision in that time, witnesses may be recalled for further questioning. The members of the hearing board have to decide if the accused student's actions meet the College's definition of sexual misconduct.

To establish responsibility, the hearing board must decide that the accused's behavior satisfies the definition of the misconduct to the extent required by the standard of proof in sexual misconduct cases— "more likely than not." Once a decision is made, the Associate Dean of Students will inform the accused student first, then the survivor, in the form of a letter which will include an explanation of the Board's deliberations. They will be informed separately and at different times so that they do not encounter each other.

### **Sanctions for Sexual Misconduct**

Any student found responsible of a charge of sexual misconduct will receive a sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous disciplinary infractions.

Typical sanctions for each distinction of sexual misconduct are as follows:

- Any student found responsible of a charge of Non-Consensual Sexual Contact (where no intercourse has occurred) will receive a sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous disciplinary infractions.
- Any student found responsible of a charge of Non-Consensual Sexual Intercourse will face a recommended sanction of suspension or expulsion.
- Any student found responsible of a charge of sexual exploitation or sexual harassment will receive a recommended sanction ranging from warning to expulsion, depending on the severity of the incident, and taking into account any previous disciplinary infractions.

For definitions of these terms, see the Judicial Procedures section.

The judicial body, judicial officer, or appeals body reserves the right to broaden or lessen any range of punishments or recommended sanctions in the case of serious mitigating circumstances, egregiously or offensive behavior if other compelling justification exists to do so. If either party believes that a satisfactory resolution of the alleged incident has not been reached by the administrative hearing or the review board adjudication process described above, an appeal of the decision may be made as outlined in the Simpson College Student Handbook.

### **Educational Programs**

Simpson College engages in many programs that promote awareness and prevention of rape and other sex offenses. Written information on sexual misconduct will be distributed regularly to all students. Residence Life staff members and campus security staff members receive training in survivor sensitivity and the college's philosophy and procedures in dealing with sexual misconduct. Student Development provides ongoing campus sexual misconduct awareness programs. The Security Department offers several programs to raise security consciousness and overall safety for members of the college community. Faculty members are encouraged to discuss the issue in their classes and residence life staff sponsor programs for residents. Each year sexual assault awareness and prevention is discussed during new student orientation. Contact Student Development for more information on these programs.