



Simpson College Title IX Other Important Policy Provisions

Privacy and Confidentiality

The information pertaining to the reported sexual misconduct will be shared with only those individuals who need to know. College officials will attempt to keep these matters as confidential as possible, but due to the nature of a sexual misconduct investigation, maintaining a complainant's total anonymity may not be possible. In investigating an allegation of sexual misconduct, the College will share information with participants in the investigation on a need to know basis and will take all possible steps to protect confidential information.

During the reporting process, a reporting party may choose not to have their identity divulged. Individuals may make an anonymous report without disclosing their name, identifying the party who engaged in sexual misconduct (if known), or requesting any action. Depending on the level of information available and the reporting party's willingness to divulge their identity, anonymity may impact the College's ability to address prohibited conduct. If an individual wishes to file a Formal Complaint of Sexual Misconduct, Title IX regulations require Simpson College to identify the name of the Complainant in the Notice that is issued to a respondent.

Information for Mandated Reporters

At Simpson College, most professional and some student employees are considered mandated reporters. Aside from Counseling Services staff, Health Services staff, trained victim advocacy services, and the Chaplain, all faculty, staff, and administrators are mandated reporters. Community advisors (CAs) and SC Leaders (SLCs) are also mandated reporters. It is the expectation of Simpson College that anyone considered a mandated reporter will report all known information (including names of all parties and all relevant facts of the alleged incident) about any potential issue of sexual misconduct to the Title IX Coordinator.

Timely Warnings

The Clery Act requires institutions to issue timely warnings to the campus community about crimes that have already occurred but may continue to pose a serious or ongoing threat to students and employees. Timely warnings are only required for Clery-reportable crimes that occur on Clery geography, although institutions are encouraged to issue appropriate warnings regarding other criminal activity that may pose a serious threat as well. Timely warning reports will withhold the names and other identifying information about victim. When determining if a timely warning will be issued, the length of time between when the report of the crime was made and when the crime actually occurred will be taken into account along with other relevant circumstances.

Maintaining Evidence

If someone has experienced sexual assault, it can be beneficial to get an evidentiary exam immediately following the assault. Even though the individual may want to change clothes or shower, they should consider reporting the assault before doing so. It is more difficult for a hospital or clinic to gather evidence if the person has showered, bathed, changed their clothes, urinated, defecated, or brushed their teeth.

Medical help is important to identify and treat any physical injuries, gather evidence should the person want to report the crime, and to protect from sexually transmitted infections and/or pregnancy. Individuals have up to 72 hours after the assault to take prophylactic medication to prevent some sexually transmitted infections and up to 120 hours to prevent pregnancy (if a concern). The physical evidence of an assault is most effectively collected within the first 24-48 hours of the assault, but some evidence may be collected for up to 72 hours. The exam and subsequent medical treatment are free to individuals who have been victimized. Evidence collection does not require or necessitate filing police charges

Police Reporting

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Complainants are encouraged to contact the police as soon after an incident of sexual assault as possible in order to facilitate gathering full reports and evidence, and to best ensure that witnesses are available for interviews. Any staff member identified in this policy can assist complainants with this process. A complainant may choose at any time to pursue an external complaint of sexual misconduct, either through the criminal or civil court system. These external processes (criminal or civil) are separate from the Simpson investigation and adjudication processes and are outside the control or authority of the College. However, Simpson will assist a victim with outreach to the criminal court system. Anyone who believes that they are a victim of a crime may take steps to file a criminal complaint with local authorities. This option applies regardless of whether the alleged perpetrator is a member of the Simpson community. Local law enforcement authorities may be contacted at: Indianola Police Department – 515-961-9400 or 911; 110 North 1st Street, Indianola. Information about legal processes and resources in Iowa can be found on the [Iowa Coalition Against Sexual Assault website](#). While the College has no control over any police investigation and legal processes that may follow, college staff will continue to work with students to provide support throughout the process.

Supports and Advocates

Under this policy, complainants and respondents are entitled to the same opportunities to consult with and be accompanied by one advisor of their choice throughout each and every step in the Grievance Process. This includes assistance in the preparation of any written materials, attending any meeting with the investigator(s), hearing panel, the hearing, and appeal.

However, an advisor may not actively participate in any meeting or proceedings other than the hearing, described above. The advisor may be any individual, such as a teacher, mentor, friend, parent, trained victim advocate obtained through a community agency, or an attorney, who is not a witness or otherwise involved in the events that are the subject of the report or is otherwise involved in the disciplinary process under this policy. Aside from the hearing, advisors are not permitted to speak to, question, or otherwise communicate with other parties or

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witnesses during the course of any investigation without express authority from the Title IX Coordinator or designee. An advisor may be required to meet with the Title IX Coordinator in advance to understand the parameters of their role, privacy restrictions under FERPA, and the provisions of this policy.

If a party does not have their own advisor in the Grievance Procedure, Simpson College will provide that party, at no fee or charge to the party, with an advisor the party may choose from a list of individuals supplied by the Title IX Coordinator. For purposes of the hearing described in this Grievance Procedure, cross-examination of a party must be conducted by an advisor—parties may not cross-examine each other.

The Complainant or Respondent may change their advisor at any point during the process. It is expected that the advisor will understand and abide by the expectations of privacy involved in the proceeding and will act with appropriate decorum at all stages. An advisor will be asked to sign an affirmation that they understand their role in the process. The College reserves the right to dismiss an advisor who is disruptive to the proceedings or who does not abide by the restrictions in this policy.

Procedure for Other Reports of Prohibited Conduct

Some reports may involve conduct that Simpson College cannot process through the grievance procedure for Formal Complaints. Simpson College may choose to address this conduct through other disciplinary processes as outlined in Simpson College's Student Handbook, Faculty Handbook, or Staff Handbook. Conduct subject to the policies and disciplinary procedures other than the Sexual Misconduct Policy, include:

- Inappropriate conduct, including harassment or discrimination on the basis of a characteristic other than sex, such as race, skin color, religion, age, disability, or veteran's status
- Sex-based conduct that is inappropriate but does not meet the definition of harassment under the Sexual Misconduct Policy

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- Misconduct that occurred outside the United States or its territories
- Misconduct by a member of the Simpson College community directed toward a person or group that was not participating or attempting participate in an educational program or activity
- Any other misconduct prohibited by Simpson College's other policies

Group Infractions

When members of a student group, team, or organization, or individuals acting as a group, violate the Sexual Misconduct Policy, they may be named in the Formal Complaint as a group and a hearing may proceed against the group as joint respondents. Sanctions would be individually determined based on each person's involvement and level of responsibility for the incident, and may also be applied to the student group, team, or organization.

Amnesty Policy

Students may be hesitant to report to college officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. The College will not pursue conduct action against a complainant or third party who shares information about alleged sexual misconduct as long as the report is made in good faith.

False Reporting

Simpson College takes seriously all reports of sexual misconduct, and recognizes the rarity of false reporting. However, Simpson College will not tolerate intentional false reporting of sexual harassment or assault. It is a violation of college policy to make an intentionally false report of sexual harassment or assault, and it may also violate state criminal statutes and civil defamation laws.

Prevention and Education

Simpson College engages in many programs that promote awareness and prevention of rape and other sexual misconduct. Each year sexual assault

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awareness and prevention are addressed during new student orientation via participation in an online training program, attendance of a theater performance addressing various forms of sexual misconduct and how to respond to it, reflective conversations led by trained students, and provision of information regarding resources available to those who are victims of sexual misconduct.

Outside of new student orientation, Simpson endeavors to provide educational opportunities to all members of the campus community on issues of sexual misconduct, healthy relationships, gender dynamics, supporting survivors, consent, College policy and procedures, bystander intervention, and more. These opportunities are offered primarily through Simpson's SARA program, Mentors in Violence Prevention (MVP), Counseling Services, Health Services, Residence Life, and the Title IX office.

Approved
Simpson College President's Cabinet
September 28, 2020