

2024-25

ANNUAL CAMPUS SECURITY AND FIRE SAFETY REPORT

Wartburg College



WARTBURG COLLEGE
SECURITY

Campus Security Emergency

319-352-9999

Waverly Police, Fire, Ambulance

911

Email

campus.security@wartburg.edu



100 Wartburg Blvd. • Waverly, IA 50677-2215
1-800-772-2085

Introduction

This document is provided in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act) and the Higher Education Opportunity Act (HEOA). These two acts along with periodic updates and reauthorizations mandate that institutions of higher education provide specific information. The information in this report includes College policies, crime statistics, fire statistics, safety tips, emergency phone numbers and an overview of some of the programs offered by the college. The annual statistics are prepared by collecting crime data from Wartburg Security records, the Division for Student Life and other Campus Security Authorities. In addition to information provided by on-campus reporters, Wartburg Security also requests crime statistics for specified geographic locations from other local law enforcement agencies. After the crime statistics are compiled, they are included in this Annual Security and Fire Safety Report and submitted to the Department of Education. An electronic version of this report is available at: http://info.wartburg.edu/Portals/0/Security/security_report.pdf. Paper copies may be obtained at the Wartburg College Campus Security Office in Room 156 of Saemann Student Center or by calling 319-352-9999 to request a mailed copy.

Additionally, Wartburg College publishes its Annual Fire Safety Report, incorporated in this report, pursuant to the provision of the Higher Education Opportunity Act pertaining to campus fire safety information and statistics 20 U.S.C. § 1092(i), which includes required fire statistics associated with each on-campus student housing facility, including the number of fires, causes, and any injuries, deaths, and property damage. This report is prepared in cooperation with Residential Life and the Waverly Police Department. With specific questions regarding these annual reports, please call the Wartburg College Campus Security Office at 319-352-9999.

Wartburg College and the Waverly community are relatively safe locations to live, work, and learn. However, the potential always exists for crime and accidents. Proactive measures can minimize crime and enhance security and safety for the entire college community: students, faculty, staff, alumni, and visitors. Safety and crime prevention require support and cooperation from the entire college community. No law enforcement/security organization or set of procedures can be effective unless individuals exercise reasonable care and prudence. All must take responsibility for the safety and security of themselves, others, and their belongings. There is a real potential for loss or theft of belongings that are not appropriately safeguarded. Anyone who observes suspicious activity is encouraged to contact Campus Security immediately. Anyone who has knowledge of present, future, or recent criminal activity should report it to Campus Security or local law enforcement.

Wartburg College assumes no responsibility for theft, damages, or loss of money, valuables, or personal property. We strongly recommend students check with their family regarding the existence and level of coverage under their homeowners/renters insurance.

Campus Security includes a director, four full-time security officers, and six part-time security officers. The director reports to the Vice President for Student Life/Dean of Students for matters of security, parking and safety. Security officers are not armed. The director, all security officers wear a distinctive uniform. They provide basic security-related services to the college community. At least one security officer is on duty at all times: 24 hours a day, all year long. Officers are in regular radio contact with the Information Center in Saemann Student Center. They are also accessible by security office phone (319) 352-9999. Security officers receive training in first aid, AED use, and CPR.

Campus Security Services

The Wartburg Security goals are to provide a safe community for students, faculty and staff. To deter and prevent crime and enforce laws and policies of the college and state. The varied needs of the diverse College community are served through a commitment to education and training. Security Officers with Residential Life staff present programs to the Wartburg Community on safety practices.

GENERAL DUTIES AND SERVICES

- Patrols campus on foot and by vehicle. Patrols include parking lots, grounds, athletic fields, exterior of residence halls, lounges and common areas of residence halls, and interior and exterior of other buildings.
- Takes reports of crimes. Performs investigations within limits of authority.
- Maintains a daily log for administrative purposes and a crime log for public inspection in the Campus Security Office. The log includes the violation or incident, date, time, general location, generic summary of what was reported, and disposition, if known. (NOTE: If there is clear and convincing evidence that the release of such information would jeopardize an ongoing investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until at such time damage is no longer likely.) As a matter of policy, names are not included in the log.
- Locks and unlocks campus buildings.
- Checks mechanical systems in buildings, including checks for carbon monoxide.
- Responds to medical situations and contacts emergency medical responders when necessary.
- Monitors surveillance cameras.
- Responds to fire alarms.
- Enforces parking and student handbook regulations.
- Provides security escorts as needed.
- Assists area coordinators, RAs, and other college officials.

OTHER SERVICES

- Room lockouts when RAs are not on duty.
- Battery jump-starts for college-registered vehicles.
- On-campus security escorts during hours of darkness.
- Routine transport on campus for those with physical limitations.
- Non-emergency transports to medical/dental facilities within Waverly city limits.
- Perform exposure control clean-ups (blood-borne pathogens) when custodial services are not available.
- Maintains lost and found repository.

PERSONAL SECURITY RECOMMENDATIONS

- Do not walk alone during the hours of darkness. Use lighted skywalks.
- If you must walk alone, inform someone at your destination when to expect you.
- Utilize an escort offered by Campus Security during the hours of darkness.
- If you are attacked, do anything to bring public attention to your situation: scream, bite, kick, and stomp the attacker's foot with your heel.
- Keep items of value out of sight.
- Safeguard documents containing personal information others could use to commit identity theft.
- Lock your residence hall door when you are asleep or when the room is not occupied.
- Report suspicious activity promptly.
- Never prop open residence hall exterior doors.
- Never loan your ID card or room key to others.
- Mark items of value with an identifying number or symbol. Record serial numbers. Photograph items of value. Never use your social security number as an identifying number.
- Register your bicycle and lock it to a campus bike rack or keep it in your room when not in use.
- If confronted with a serious, life-threatening situation, in addition to calling 911 and Campus Security, take one of the following courses of action:
 1. Remove yourself from the threat; run or escape from the threat.
 2. Shelter in place. Lock yourself in a room, turn off lights, pull shades, remain quiet, and quietly place obstacles by doors and windows to make intruder access more difficult.
 3. If cornered or cannot otherwise escape, attack the intruder with whatever items you use as a weapon or obstacle. Throw things, attack the person, screaming, and doing anything possible to throw off the attacker.

Statements of Policies and Procedures

Relationship with Local Law Enforcement and Wartburg Security does maintain a close working relationship. Wartburg Security cooperates fully with federal, state and local law enforcement agencies in cases involving both on-campus and off-campus jurisdiction or when the resources of another agency can be used to facilitate the resolution of an investigation. However, local law enforcement notification of Wartburg College is done out of courtesy and is not required.

DAILY CRIME AND FIRE LOGS

During normal business hours, the daily crime and fire log for the most recent 60-day period is available for the public to view at Wartburg Security at 100 Blvd Ave, Waverly Iowa 50677. The objectives and programs of after open access hours, College buildings are secured by either physical locking mechanisms or electronic access devices. Visitors and non-College affiliated groups seeking to utilize College facilities are expected to make prior arrangements with the appropriate College office. Authorization to use the Wartburg facilities is determined by the College regulations then in effect. Non-residents will not be permitted to enter the residence halls unless accompanied by a resident. Operations & Management is responsible for the development and operation of campus buildings and grounds. They keep the buildings, classrooms and grounds clean and comfortable and manage the physical development of the campus. Wartburg Security Officers do regularly patrol the campus and report any repair needs (malfunctioning lights or other unsafe conditions) to Operations & Management. All members of the College community are encouraged to directly report to Operations & Management problems with facilities or grounds.

SECURITY AND MAINTENANCE OF RESIDENCE HALLS

Security is the shared responsibility of each resident and staff member. Residents are responsible for locking their rooms and assisting with maintaining a secure facility. All exterior doors are locked to residence halls are locked at all times (24/7/365). Exterior doors are accessed through electronic locks. Non-residents will not be permitted to enter the hall unless accompanied by a resident. Residents are not to let non-residents into the halls unless they are accompanied by residents. Jeopardizing residence hall security in any way (e.g. propping outside doors open) is a violation of the Student Conduct Code. Residents are advised to carry their identification cards at all times. Each resident is responsible for the room key and access card issued to them. The primary purpose of the key policy is greater security for the building, residents and their possessions. Operations & Management and Residential Life are responsible for maintaining the residential facilities. Maintenance problems such as lights out in stairwells, doors not securing properly, should be reported immediately in order for repairs to be completed in a timely manner.

Safety Escort Service is provided by Wartburg Security from parking lots, residence halls academic buildings and medical

assistants 24 hours per day. Anyone needing an escort, who is in fear or has safety concerns, may request an escort from any College building or residence hall on campus. Escorts may come in the form of walking, Security Polaris or Security vehicles or Officers of the Wartburg Security Team. To request an escort, call 319-352-9999.

ACCESS POLICY AND IDENTIFICATION OF PROPERTY

Wartburg College is a private institution located on private property. Campus facilities are for the use of Wartburg College community members and their guests. It is considered an open campus, meaning there are no boundary fences or barricades restricting access. Visitors are welcome on campus for lawful reasons, such as to attend events, visit members of the campus community, and, if contractors, to perform work directed by the college. Certain restrictions apply. After routine business hours, academic and administrative buildings are closed on a published schedule. Access after hours or when a building is locked is limited to persons assigned to that building or area with after-hours access or with permission, preferably in writing, from someone authorized to give such permission. College maintenance employees have ID cards for residence hall access. Physical Plant will coordinate contractor access, and contractors will be monitored when the building is occupied by students.

Wartburg College has 22 named buildings classified as residence halls, each housing between 24 and 365 students. Exterior doors to all residence halls, except for Knights Village, are always locked. Access is governed by college identity cards (proximity readers). Visitors are allowed access only when accompanied by persons with authorized access. Knights Village (Saginaw, Mendota, St. Sebald, Dubuque, and Galena) are apartment-style housing, and their residents control access with keys.

During certain breaks, the summer months, and special events, the residence halls may close. Express permission must be obtained by Residential Life to remain in residence halls during all breaks, except for Fall Break and Thanksgiving Break.

Solicitation is prohibited on Wartburg College property unless prior approval has been granted by either the Office of the Vice President for Student Life or the Office of the Vice President for Financial Innovation.

The main campus of Wartburg College is located in Waverly, Iowa. The south boundary is West Bremer Avenue. The east boundary is Wartburg Boulevard from West Bremer Avenue to Seventh Street NW and Seventh Street NW to Fifth Avenue NW. The west boundary is 12th Street NW. (Note: Physical Plant, four parking lots, and athletic fields are west of 12th Street.) The north boundary of the main campus is the railroad spur between Fifth Avenue NW and Seventh Avenue NW. Public streets running through or on the boundary include First Avenue NW, 11th Street NW, Third Avenue NW, Eighth Street NW, and Fourth Avenue NW. A map showing these boundaries is available at the Campus Security Office.

Disclosure of Crime Statistics

Campus Security prepares this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act) (20 USC § 1092) and the Higher Education Act amendments. The definitions for these crimes are taken from the FBI's Uniform Crime Reporting Program (UCR), as modified by the Hate Crimes Act and the Higher Education Act.

CRIME DEFINITIONS

- Criminal Homicide: the willful killing of one person by another.
- Manslaughter by Negligence: The killing of another person through gross negligence.
- Sexual Assault: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR Program.
 - a. Forcible Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This definition includes any gender of victim or perpetrator. It also includes instances in which the victim is incapable of giving consent because of temporary or permanent mental or physical incapacity (including due to the influence of drugs or alcohol). Physical resistance is not required on the part of the victim to demonstrate lack of consent.
 - b. Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly and/or against that person's will; or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.
 - c. Forcible Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or not forcibly or against the person's will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.
 - d. Non-forcible sex offenses are acts of "unlawful, non-forcible sexual intercourse," and include:
 - Incest: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law (ancestor, descendant, brother or sister of whole or half blood, aunt, uncle, nephew, or niece).
 - Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent (16 years).
- Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. Offense usually accompanied by

- a weapon or by means likely to produce great bodily harm.
 - **Burglary:** Unlawful entry into a structure with intent to commit a felony or theft. Forced entry not required if entry was unlawful, such as a trespass.
 - **Robbery:** Taking or attempting to take anything of value from a person by force or threat of force putting the victim in fear.
 - **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle.
 - **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, aircraft, personal property of another, etc.
 - **Domestic Violence:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies (under VAWA), or any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.
 - **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party'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. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
 - **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or suffer substantial emotional stress.
 - **Alcohol Violations:** Violations of law or ordinances prohibiting;
 - a. Possession or use of alcohol by a person under the age of 21.
 - b. Providing alcohol to a person under the age of 21.
 - c. Sale of alcohol without the required license.
 - **Drug Violations:** Illegal possession, manufacturing, growth, sale, distribution, or use of any controlled substance and the equipment or devices utilized in their preparation and/or use.
 - **Weapons Violations:** Violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
 - **Hate Crimes:** Crime categories of criminal homicide, sex offenses, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, intimidation, vandalism (including destruction and/or damage to property), simple assault, and any other crime involving bodily injury are hate crimes if evidence is discovered that the victim was intentionally targeted, in whole or in part, because of the perpetrator's bias.
- Bias categories are:
- Race
 - Gender
 - Gender identity — A person's internal sense of being male, female, or a combination of both; that internal sense of a person's gender may be different from the person's gender as assigned by birth. Gender identity bias is a preformed negative opinion or attitude toward a person or group of person based on their actual or perceived gender identity. There are two types of gender identity bias motivation:
 1. Gender non-conforming: Describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing, or a man wearing makeup.
 2. Transgender: Of or relating to a person who identifies as a different gender from their gender as assigned at birth. Note: the person may also identify him or herself as "transsexual."
 - Sexual orientation
 - Disability (physical or mental)
 - Religion
 - National origin (ethnicity)

Hazing and Student Organization

Under the "Stop Campus Hazing Act", hazing is defined by any intentional, knowing, or reckless act committed by a person against a student (regardless of that student's willingness to participate), that (1) is connected with an initiation into, an affiliation with, or the maintenance of membership in, an organization (e.g., a club, athletic team, fraternity, or sorority); and (2) causes or is likely to contribute to a substantial risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization, of physical injury, mental harm, or degradation. Notably, the definition encompasses conduct that is merely affiliated with a student organization, and activities related to initiation or maintaining membership within the student organization, making this definition broader than the Massachusetts definition of hazing, which only pertains to conduct relating to initiation into a student organization. Online course, Hazing Awareness and Preventions, for faculty and staff is the current training.

The definition of student organization in the Act makes clear that it also applies to student groups that are not formally

recognized by an institution, requiring campuses to report hazing incidents that occur in connection with even student groups not established or recognized by the institution. A student organization is defined in the Act as “an organization at an institution of higher education (such as a club, society, association, varsity or junior varsity athletic team, club sports team, fraternity, sorority, band, or student government) in which two or more of the members are students enrolled at the institution of higher education, whether or not the organization is established or recognized by the institution.”

Campus Security Authority and Jurisdiction

The administrative office responsible for safety and security is Wartburg College Campus Security. Campus Security officers have the authority to ask persons for identification and to determine whether individuals have lawful business on campus. Officers have the authority to issue parking fines for violations of the college’s parking regulations and to bill students’ financial accounts as necessary. They may also authorize towing (at the expense of the vehicle’s owner) or placement of an immobilizer (wheel boot) on a vehicle in violation of parking regulations. Campus Security officers are not police officers and do not possess power to arrest. Criminal incidents may be referred to the Waverly Police, who have jurisdiction on the campus. All victims and witnesses are strongly encouraged to report crimes immediately to Campus Security and the appropriate police agency. Prompt reporting will assure timely warning notices on campus and timely disclosure of crime statistics.

CRIME LOG: RECORDING CRIMES REPORTED TO CAMPUS SECURITY

To Report A Crime

To report a crime, such as a theft, vandalism, or suspicious activity, contact either Campus Security or the Waverly Police Department.

Campus Security: (319) 352-9999

Waverly Police: (319) 352-5400 or 911. The dispatchers cover all emergency calls in Waverly and Bremer County.

Crimes also can be reported to:

Contact	Phone# (area code 319)	Location
Dean of Students	352-8526	Student Center, room 195
Director of Residential Life	352-8577	Student Center, room 183
Title IX Coordinator	352-8225	Student Center, room 177
VP of Financial Innovation	352-8215	Luther Hall, room 206

CAMPUS SECURITY AUTHORITIES

Other campus officials you may report a crime to include: deans, area coordinators, resident assistants (RAs), advisers to student groups, International Programs director, Study Abroad program director, Information Center attendants, event security staff, and athletic coaches. These officials are trained as Campus Security Authorities.

Clery Reportable Crimes 2022-2024

CRIMES	Campus Property									Non Campus Property			Public Property			TOTAL		
	2022			2023			2024			2022	2023	2024	2022	2023	2024	2022	2023	2024
	On Campus	Off Campus	Total	On Campus	Off Campus	Total	On Campus	Off Campus	Total									
Murder/Non Negligent	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	2	0	2	0	0	0	0	0	0	1	0	0	0	0	0	3	0	0
Fondling	1	0	1	0	0	0	0	0	0	1	0	0	0	0	0	2	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
ARRESTS																		
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drug Abuse Violations	5	0	5	2	0	2	2	0	2	0	0	0	0	0	0	0	0	0
Weapons Law Violations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
REFERRALS																		
Liquor Violations Referrals	8	0	8	8	0	8	31	0	31	0	0	0	0	0	0	0	0	49
Drug Abuse Referrals	7	0	7	6	0	6	0	0	0	0	0	0	0	0	0	0	0	0
Weapons Referrals	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
VAWA CRIMES																		
Dating Violence	0	0	0	0	0	0	2	0	2	0	0	0	0	0	0	0	0	2
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crimes 2022-2024

CATEGORIZATION	Campus Property									Non Campus Property			Public Property			TOTAL		
	2022			2023			2024			2022	2023	2024	2022	2023	2024	2022	2023	2024
	On Campus	Off Campus	Total	On Campus	Off Campus	Total	On Campus	Off Campus	Total									
Race	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Gender Identification	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Confidential Reporting Procedures

If you are the victim of a crime and do not want to pursue action within the college or the criminal justice system, you may still want to consider making a confidential report. With your permission, the Director of Campus Security & Safety can file a report on the details of the incident without revealing your identity. The purpose of the confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With such information, Campus Security can keep accurate records of the number of incidents involving students; determine where there is a pattern of crime with regard to a particular location, method, or assailant; and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crimes statistics for the college.

You may also make a confidential report through "SeeSomething-SaySomething," an anonymous reporting system that allows the reporter to keep his or her identity confidential if desired. Reports are made through an online form at www.wartburg.edu/report-now. Depending on the nature of the report, Campus Security will investigate or refer the matter to the appropriate college department or to law enforcement.

CAMPUS SECURITY AUTHORITIES

Campus Security Authority (CSA) is a Clery-specific term that encompasses four groups of individuals and organizations associated with an institution. According to the U.S. Department of Education, there are four categories of people who are considered to be a CSA:

- A campus police department or a campus security department of an institution. If your institution has a campus police or security department, those individuals are campus security authorities. A security department can be as small as one person.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property). Include individuals who provide security at a campus parking kiosk, monitor access into a campus facility, and act as event security or escort students around campus after dark.
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. An official is defined as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution. The following list provides some examples of

positions that meet at least one of the criteria to be a CSA.

- Public Safety Employees and Residential Life Coordinators
- Dean of Students
- Student Conduct Administrators
- Title IX Coordinator & Deputies
- Athletic Coaches and Assistant Coaches
- Members of the Threat Assessment Team
- Faculty / Staff Advisors to Student Organizations

Certain categories of people are specifically exempt from CSA reporting requirements. Included in those exempt are:

- **Pastoral Counselor** - a person who is associated with a religious order or denomination and is recognized by that religious order or denomination as someone who provides confidential counseling within the scope of their position as a pastoral counselor.
- **Professional Counselor** - a person whose official responsibilities include providing mental health counseling to members of the institution's community and who is functioning within the scope of his or her license or certification.
- **Clery Compliance Coordinator** - CSAs at Wartburg are responsible for reporting any Clery crime to the College's Clery Compliance Coordinator. CSAs are strongly encouraged to inform the Clery Compliance Coordinator of crimes reported to them as quickly as possible so that an evaluation for a timely warning can be conducted. (Timely Warnings are described below.) The Wartburg Clery Compliance Coordinator is Director Dean Cockerham.

To make a CSA report: Fill out a CSA form located at Campus Security Office and give to Director Dean Cockerham, Dean. Cockerham@wartburg.edu, 319-352-9999.

COUNSELORS

Because of the negotiated rulemaking process which followed the signing into law the 1998 amendments to 20 USC § 1092 (f), clarification was given to those considered to be campus security authorities. Campus "pastoral counselors" (employee of an institution who is associated with a religious order or denomination, recognized by that religious order or denomination as someone who provides confidential counseling and who is functioning within the scope of that recognition as a pastoral counselor) and campus "professional counselors" (employee of an institution whose official responsibilities include providing psychological counseling to members of the institution's community and who is functioning within the scope of his or her license or certification), when acting as such, are not considered to be a campus security authority and are not required to report crimes for inclusion into the annual disclosure of crime statistics. As a matter of policy, they are encouraged, if and when they deem it appropriate, to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

Emergency Notification and Timely Warnings Emergency Procedures

Wartburg College will, upon confirmation that a significant emergency or dangerous situation exists, take into account the safety of the campus community, determine what information to release about the situation, and begin the notification process.

An alert will not be issued, if in the professional judgment of responsible authorities (security director, vice presidents, president), the alert will compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Wartburg College maintains an emergency management plan for sensitive or dangerous situations. Examples include, but are not limited to, fires, explosions, natural disasters, serious illness outbreaks, gas leaks, chemical or hazardous waste spills, bomb threats, civil unrest and/or rioting, and violent criminal (armed intruder, terrorist) events. When a significant incident is discovered or reported, Campus Security immediately will investigate the situation to confirm there is a significant emergency that is causing or could cause a threat to the safety and health of students and/or employees. Law enforcement and other emergency management organizations, as applicable, will be called immediately. Campus Security will then contact the president or the most available vice president. An emergency will be declared and the college Emergency Incident Command will be established to resolve the situation and support any non-campus organizations called in to resolve the situation.

The security director, or in his absence, the senior security officer on duty, will initiate a Wartburg Alert message, or for those that don't need immediate notification, contact the Marketing & Communication Office to issue a Juice announcement.

Wartburg Alert

The Wartburg Alert System, administered by Omnilert, is a service that allows all Wartburg faculty, staff, or students to receive alerts or other emergency information to their mobile devices or email, who are automatically enrolled in this system and can opt out at any time. This is the quickest and most reliable way of receiving an emergency message in the event of a campus emergency. In the event of a significant life-threatening emergency situation, the college will issue an alert to all enrolled users to valid mobile phone numbers and/or email addresses provided to the Admissions or Human Resources offices. There is no fee to enroll; however, users may have to pay regular text messaging rates through their cellular providers. A written plan assists the college in handling most emergency situations and addresses situations such as severe weather, natural disasters, utility failures, and other catastrophes.

Timely Warnings

Timely warnings are issued after a Clery Act crime or other threat against persons or property occurring within the Clery geography that is reported to campus security authorities or local police and is considered by the college to represent a serious or continuing threat to students and employees. Warnings are issued to enable members of the campus community to protect themselves. Therefore, warnings would include all information that would promote safety and aid in the prevention of similar crimes, but not jeopardize any ongoing law enforcement investigation. Timely warnings are issued through email (Juice announcements) and, as appropriate, as flyers and postings on bulletin boards in residence halls, classroom buildings, and the Saemann Student Center. Warnings will not disclose the identity of victims.

Jeanne Clery Disclosure Of Campus Security Policy And Campus Crime Statistics Act, As Amended By The Violence Against Women Reauthorization Act Of 2013

Wartburg College does not discriminate based on sex in its educational programs and sexual harassment, and sexual violence are types of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether sexually based or not and include dating violence, domestic violence, and stalking. As a result, Wartburg has a policy which addresses discrimination, harassment, and sexual misconduct, educational programs, and procedures that address sexual assault, domestic violence, dating violence, and stalking, whether the incident occurs on or off campus and when it is reported to a college official. In this context, Wartburg prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the College community. The college is committed to providing a workplace and educational environment, and other benefits, programs, and activities, that are free from discrimination and harassment based on a protected class, as well as retaliation.

Wartburg is committed to providing a workplace and educational environment, and other benefits, programs, and activities, that are free from discrimination and harassment based on a protected class, as well as retaliation.

The Wartburg will protect the identity of persons who report having been victims of sexual assault, domestic violence, dating violence, or stalking to the fullest extent of the law.

Under Iowa Code 709 - Sexual Abuse

Any sex act between persons is sexual abuse by either of the persons when the act is performed with the other person 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 or is otherwise in a state of unconsciousness, the act is done against the will of the other.

2. Such other person 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.

Wartburg College Title IX Sexual Misconduct, Discrimination, and Grievance Policy

I. Statement of Policy

Wartburg College is committed to providing a learning, working, and living environment free from all forms of sexual misconduct including, but not limited to, sex-based harassment, non-consensual sex acts, non-consensual sexual touching, and sexual exploitation. Wartburg College considers sex discrimination in all forms to be a serious offense and it will not be tolerated. The college is dedicated to preventing all forms of sex discrimination and sexual misconduct and educating all students, faculty, and staff regarding such discrimination and misconduct. Any conduct in violation of this policy will be treated using procedures described in this policy. Wartburg College encourages persons who have experienced any form of sexual harassment or sexual misconduct to report the incident promptly, to seek all available assistance, and where appropriate, to report the incident to local law enforcement. It is a violation of this policy for any student, and member of the staff or faculty, or any administrator to retaliate against another person for exercising his/her rights under this policy.

Members of the Wartburg College community, as well as guests and visitors, have the right to protection from sexual discrimination and misconduct. All members of the Wartburg College community are expected to conduct themselves in a manner that does not infringe upon the rights of others. The Wartburg College Sexual Misconduct, Discrimination, and Grievance Policy has been established to reaffirm these principles and to provide guidelines in reporting and recourse for those individuals whose rights have been violated. The policy is designed to promote compliance with campus, state, and federal regulations; to allow for appropriate reporting, investigation, and sanctioning of behavior that is inconsistent with Wartburg College policies; and to educate all members of the College community about the implications and consequences of this inappropriate behavior.

The policy covers conduct that occurs on the Wartburg campus and any Wartburg sponsored programs or events. The policy also covers prohibited conduct that initially occurs off-campus when students or employees experience continuing effects of the off-campus acts in the educational or work setting. The policy covers offenses perpetrated by faculty, staff, students, and third parties.

Notice of Non-Discrimination

Wartburg College does not discriminate based on race, color, national origin, creed, sex, age, religion, sexual orientation, gender identity, disability, or pregnancy in its education programs or activities. Wartburg College complies with Titles VI and VII of the Civil Rights Act of 1964, Title IX of the Educational Amendments Acts of 1972, the Age Discrimination in Employment Act of 1975, and Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and the Iowa Civil Rights Act. Wartburg College has developed policies and procedures that prohibit sex and other forms of illegal discrimination in all forms. It is required to comply with these laws. Questions about Title IX may be directed to Wartburg College's Title IX Coordinator or the U.S. Department of Education Office of Civil Rights.

Contact information for Wartburg College's Title IX Coordinator is in section "Filing a Complaint with Wartburg College" and "Identification and Role of Title IX Coordinator."

Statement of Jurisdiction

Wartburg College has jurisdiction over complaints of sexual harassment, sexual violence, sexual assault, intimate partner violence, domestic violence, dating violence, and/or stalking that occurs on campus or at any College-sponsored event or program, regardless of where the incident occurs. The College also has jurisdiction over alleged misconduct occurring off campus, during semester breaks, or between semesters, if the Complainant(s) and/or Respondent(s) are Wartburg College students and the off-campus conduct is likely to have a substantial impact on campus life and activities, or if the incident poses a threat of danger to any member of the College community.

Free Speech/Academic Freedom

As participants in a private institution, the faculty, staff, and students of Wartburg College enjoy significant free speech protections guaranteed by the First Amendment of the United States Constitution. This policy is intended to protect members of the College community from discrimination, not to regulate protected speech. This policy shall be implemented in a manner that recognizes the importance of rights to freedom of speech and expression. The College also has a compelling interest in free inquiry and the collective search for knowledge and thus recognizes principles of academic freedom as a special area of protected speech. Consistent with these principles, no provision of this policy shall be interpreted to prohibit conduct that is legitimately related to the course content, teaching methods, scholarship, or public commentary of an individual faculty member or the educational, political, artistic, or literary expression of students in classrooms and public forums. However, freedom of speech and academic freedom are not limitless and do not protect speech or expressive conduct that violates federal or state antidiscrimination laws.

II. Filing a Complaint with Wartburg College

Wartburg College encourages those who have experienced sex discrimination or any form of sexual misconduct to report these offenses to a responsible employee, who in turn will report the incident to the Title IX Coordinator.

TITLE IX COORDINATOR

Alli Colls-Summers
Associate Director of Residential Life
100 Wartburg Blvd, Waverly, IA 50677
(319) 352-8956
alli.summers@wartburg.edu

DEPUTY TITLE IX COORDINATOR

Amy Wilson
Senior Benefits Administrator
100 Wartburg Blvd, Waverly, IA 50677
(319) 352-8278
amy.wilson@wartburg.edu

TITLE IX INVESTIGATORS/TITLE IX TEAM

Courtney Tripp-Stuck
Director of Residential Life
100 Wartburg Blvd, Waverly, IA 50677
(319) 352-8577
courtney.trippstuck@wartburg.edu

Dean Cockerham
Director of Campus Safety and Security
100 Wartburg Blvd, Waverly, IA 50677
(319) 352-9999
dean.cockerham@wartburg.edu

Amy Wilson
Senior Benefits Administrator
100 Wartburg Blvd, Waverly, IA 50677
(319) 352-8278
amy.wilson@wartburg.edu

Discussing a Violation with a Responsible Employee

Wartburg College encourages victims of sexual discrimination or those who have been involved in an incident of sexual misconduct to talk to somebody about what happened so that victims can get the support they need and so that the college can respond appropriately and in a timely manner.

Victims are encouraged to speak to a “responsible employee” if they believe they have been subjected to a violation of this policy. A “responsible employee” is someone with authority to redress sexual violence, who has a duty to report sexual violence or incidents of sexual violence to the Title IX Coordinator, or someone you believe has this duty and authority. A list of responsible employees is included below.

Different employees on campus have different levels of obligation to maintain a victim’s confidentiality. Some are required to maintain near complete confidentiality; discussion with them is called “privileged communication.” The policy identifies these individuals as “Responsible Employees

(confidential).” Other employees are required to report all the details of an incident to the Title IX Coordinator (including the identities of both the victim and alleged perpetrator). A report to these “Responsible Employees (non-confidential)” constitutes a report to the college and obligates the college to investigate the incident and take appropriate steps to address the situation.

This policy is intended to make members of the college community, including faculty, staff, and students, aware of the various reporting and confidential disclosure options available to them so they can make informed choices about where to turn should they become a victim of sexual misconduct and/or discrimination. The college encourages victims to talk to someone identified in one or more of the following groups.

Responsible Employees (confidential)

- Care providers who work for Noah Clinic
The W, Wartburg College
Suite 1392, Waverly, IA 50677
(319) 352-8436
- Wartburg College Campus Pastor
Maggie Falenschek, Dean of Spiritual Life
(319) 352-8217
- Counselors at Wartburg College Counseling Services
Stephanie Newsom, Director of Counseling Services
Molly Wertz, Counselor
(319) 352-8596

If the victim of sexual discrimination or sexual misconduct desires that details of his/her incident be kept confidential, he or she should speak with someone designated as “responsible employee (confidential).” These employees cannot disclose the details of the alleged policy violation without permission from the person lodging the report.

Responsible Employees (non-confidential)

- Title IX Coordinator — Alli Colls-Summers, (319) 352-8956
- Deputy Title IX Coordinator — Amy Wilson, (319) 352-8278
- Director of Campus Safety and Security —
Dean Cockerham, (319) 352-9999
- Wartburg College Security Officers, (319) 352-9999
- Vice President for Student Life and Dean of Students —
Lindsey Leonard, (319) 352-8526
- Director of Residential Life and Chief Conduct Officer —
Courtney Tripp-Stuck, (319) 352-8577
- Area Coordinators and Resident Assistants in
respective hall offices.
- Members of the faculty and staff excluding those already
identified.

A victim of sexual misconduct may also seek assistance from the following resources:

- Waverly Police Department
111 Fourth St. NE, Waverly, IA 50677
(319) 352-5400
www.waverlyia.com/police
- Waverly Health Center
312 Ninth St. SW, Waverly, IA 50677
(319) 352-4120
- Riverview Center
2055 Kimball Ave #355, Waterloo, IA 50702
(319) 939-9599
- Cedar Valley Friends of the Family
PO Box 784, Waverly, IA 50677
(319) 352-1108
- Iowa Coalition Against Domestic Violence
(800) 942-0333
- Iowa Coalition Against Sexual Assault
(800) 284-7821

A complainant may request that Wartburg College treat certain reported information, such as the name of the alleged perpetrator, as “confidential.” The Policy addresses requests for confidentiality in section titled Protection of Parties: Interim Measures and Requests for Confidentiality.

Following an Incident of Sexual Misconduct/Assault

The college encourages a victim of sexual assault to seek medical attention and make all efforts to preserve evidence. The victim should not bathe, urinate, douche, brush teeth, or drink liquids. Clothes should not be changed; but if they are, bring all the original clothing to the hospital in a paper bag, as plastic bags damage the evidence. When necessary, the victim should seek immediate medical attention at an area hospital and take a full change of clothing, including shoes, for use after the medical examination. The items in the room or other specific location in which the assault took place should not be disturbed. The College understands the impact of trauma imposed on a victim during an assault, and if any of the above actions are not followed it doesn't diminish the right to report an assault or how the College will carry out the steps of the investigation.

Wartburg College also encourages victims of sexual misconduct to seek counseling and/or identify a support person. A support person plays an important role in providing personal encouragement to a victim in a crisis situation. Information regarding counseling options, both on campus and in the community, can be obtained from Wartburg Counseling Services in Pathways on the third floor of the Vogel Library.

A person who reports a violation of the Policy to a responsible employee will be presented with appropriate interim measures to reduce or prevent additional contact between the complainant

and alleged perpetrator, such as changing academic schedules and housing arrangements. Interim measures will be established by college authorities in a timely manner once notified of the violation in policy. For more information about interim measures, please see section titled Protection of Parties: Interim Measures and Requests for Confidentiality.

Identification and Role of Title IX Coordinator

The Title IX Coordinator is responsible for monitoring compliance with this policy and all related processes. The Title IX Coordinator will not personally investigate any complaints or play any decision-making role with respect to responsibility findings or sanction decisions. The Title IX Coordinator should be considered a resource for all parties involved in the processes. The Title IX Coordinator will consider a Complainant's request for confidentiality and a Complainant's request to refrain from investigating or disciplining the alleged perpetrator. See section Protection of Parties: Interim Measures and Requests for Confidentiality, for guidelines in confidentiality. Wartburg College's Title IX Coordinator is Alli Colls-Summers, Associate Director of Residential Life, Saemann Student Center room 177, alli.summers@wartburg.edu or 319-352-8956.

III. Definitions and Examples of Sexual Misconduct and Discrimination

Sex discrimination is defined as behaviors and actions that deny or limit a person's ability to benefit from, and/or fully participate in, educational programs or activities or employment opportunities because of a person's sex. Examples of sex discrimination under Title IX include, but are not limited to, sexual harassment; sexual assault; sex/gender-stereotyping; failure to provide equal opportunity in education programs, activities, and co-curricular programs, including athletics; discrimination based on pregnancy; and employment discrimination.

Sexual-based harassment and gender-based harassment

Sexual harassment is any unwelcome conduct of a sexual nature, sexual advance, request for sexual favors, or other unwanted visual, verbal, or physical conduct of a sexual nature which is directed toward a person because of his/her gender. Sexual harassment includes, but is not limited to:

- Submission to or rejection of such conduct is an explicit or implicit term or condition of an individual's employment, educational benefits, academic grades or opportunities, on-campus living environment, or participation in social, co- or extra-curricular activities;
- Submission to or rejection of such conduct is used as a basis for employment, education, or living environment decisions affecting the individual.

Such conduct has the purpose or effect of unreasonably interfering with an individual's work or academic performance or participation in educational experiences, by creating an

intimidating, hostile, humiliating, demeaning, or sexually offensive working, educational, or social environment. The purpose or effect will be evaluated based on the perspective of a reasonable person in the position of a complainant.

Gender-based harassment is unwelcome conduct of a non-sexual nature based on an individual's actual or perceived sex, including conduct based on gender identity, gender expression, and nonconformity with gender stereotypes.

While sexual harassment and gender-based harassment encompass a wide range of conduct, behaviors that may be considered sexual harassment and gender-based harassment include, but are not limited, to the following:

- Pressuring someone to engage in sexual behavior for educational or employment benefit.
- Making a real or perceived threat that rejecting sexual behavior will carry a negative consequence for or retaliation against another person.
- Denying, directly or indirectly, a person an educational or employment-related opportunity if that person refuses to comply with a sexually oriented request.
- Engaging in unwelcome physical contact such as touching, blocking normal movement, physical restraint, or assault.
- Retaliating against a person for filing a harassment complaint or threatening to report harassment.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment frequently involves a person in a position of greater authority than the person being harassed, individuals in positions of lesser or equal authority can also be found responsible for engaging in prohibited harassment.

Sexual harassment can be physical and/or psychological in nature. An aggregation of a series of incidents establishing a pattern can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.

Hostile Environment Harassment

Sexual harassment related to a hostile environment exists when unwanted conduct is so severe or persistent and patently offensive that it alters the conditions of education or employment, from both a subjective (the complainant) and an objective (reasonable person's) viewpoint. The determination of whether an environment is "hostile" will be based on the following factors:

- the frequency of the conduct;
- the nature and severity of the conduct;
- the identity and relationships of the persons involved;
- the location of the conduct and the context in which it occurred;
- whether the conduct was physically threatening;
- whether the conduct was humiliating;

- the effect of the conduct on the alleged victim's mental or emotional state;
- whether the conduct was directed at more than one person;
- whether the conduct arose in the context of other discriminatory conduct; and
- whether the conduct unreasonably interfered with the complainant's educational or work performance.

Conduct may be physical, verbal, or nonverbal. For example, the following type of behaviors may constitute harassment:

- Inappropriate touching, hugging, or kissing.
- Sexual remarks about a person's clothing, body, or sexual relations.
- Repeated requests for a date or repeated romantic advances toward a student or employee, despite the person's rejection of the advances.
- Conversations, jokes, or stories of a sexual nature.
- Sexually explicit profanity.
- Obscene gestures.
- The display of sexually explicit materials in the workplace or in campus housing.
- The use of sexually explicit materials in the classroom presented without defensible educational purposes.

Sexual Misconduct

Sexual misconduct is a broad term encompassing all sexual behaviors that violate Wartburg College's Title IX Policy. Sexual misconduct includes dating violence, domestic violence, sexual assault, stalking, inducing incapacitation for sexual purposes, sexual exploitation, and relationship violence. Any harassing behavior or nonconsensual physical contact of a sexual nature may constitute sexual misconduct. Sexual misconduct may vary in its severity and consists of a range of behaviors or attempted behaviors that may be grounds for disciplinary action under college policy.

Sexual Assault

Sexual assault means having or attempting to have sexual intercourse or sexual contact with another individual without consent. This includes sexual intercourse or sexual contact achieved by the use or threat of force or coercion, where an individual does not consent to the sexual act, or where an individual is incapacitated. Examples of sexual assault include, but are not limited to, the following behaviors when consent is not present.

- iii. Nonconsensual sexual contact is any sexual touching, however slight, with any object or body part, as defined below:
 - Intentional contact with the breasts, groin, or genitals or touching another person with any of these body parts or making another person touch the offending party or themselves with or on any of these body parts; any intentional bodily contact in a sexual manner,

though not involving contact with/of/by breasts, buttocks, groin, genitals, mouth, or other orifice.

- By a man or a woman upon a man or a woman, without consent.

iv. Nonconsensual sexual intercourse is any sexual intercourse (anal, oral, or vaginal), however slight, with any object or body part as defined below:

- Vaginal or anal penetration by a penis, object, tongue, or finger or oral copulation (mouth-to-genital contact or genital-to-mouth contact).
- By a man or a woman upon a man or a woman, without consent.

v. Forced sexual intercourse is any unwilling or nonconsensual sexual penetration (anal, vaginal, or oral) with any object or body part that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition of which the assailant was aware or should have been aware.

Non-Disclosure of STD Information

Anyone who knows he or she has a sexually transmitted disease must disclose that information to a potential sexual partner prior to any sexual activity.

Sexual Exploitation

Sexual exploitation involves taking nonconsensual 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 include, but are not limited to:

- Voyeurism — Observing another individual's nudity or sexual activity or allowing another to observe consensual sexual activity without the knowledge and consent of all parties involved.
- Nonconsensual visual (i.e. video, photograph) or audio recording of sexual activity.
- Nonconsensual distribution or streaming of photos, images, or information of an individual's sexual activity, intimate body parts, or nakedness having the effect of embarrassing an individual who is the subject of such images or information.
- Prostituting another person.
- Exposing one's genitals or inducing another to expose his or her genitals in nonconsensual circumstances.
- Inducing incapacitation for the purpose of making another person vulnerable to nonconsensual sexual activity.
- Knowingly exposing another individual to a sexually transmitted disease or virus without his or her knowledge.
- Possessing, distributing, viewing, or forcing others to view illegal pornography.

IV. Relationship Misconduct and Violence

Relationship misconduct includes dating violence and domestic violence as defined below. It includes abuse or violence against a person who is or has been involved in a sexual, dating, domestic, or other intimate relationship by the other person in the relationship. It may involve one act or an ongoing pattern of behavior.

Dating Violence

Dating Violence: There is no provision in the Iowa Code for Dating Violence. Wartburg will use the Iowa Criminal Code's Assault criteria along with relationship factors to determine whether an incident constitutes Dating Violence under the Clery Act. The term "dating violence" means violence committed by a person:

1. Who is or has been in a social relationship of a romantic or intimate nature with the victim; and
2. The existence of such a relationship shall be based on the reporting party's statement and consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence

Domestic violence is a felony defined in Iowa Code 708.2A as an intentional or unauthorized act that is intended to cause pain to another or result in physical contact that is insulting or offensive, coupled with the apparent ability to do the act or to place another in fear of any such act, or the intentional and authorized pointing of a firearm or display of dangerous weapon in a threatening manner. The category of Domestic Violence pertains when the assault is committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Iowa; or
- By any person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Relationship violence can include, but is not limited to any of the following:

- Physical violence that causes bodily injury.
- Sexual violence including rape.

- Emotional abuse creating apprehension of bodily injury or property damage. This includes violence or threat of violence to one's self, one's sexual or romantic partner, and/or to the family members or friends of the sexual or romantic partner.
- Repeated telephonic, electronic, or other forms of communication — anonymously or directly — made with the intent to intimidate, terrify, harass, or threaten.
- Economic abuse involving exploitation of the victim's economic resources in an educational setting.

Relationship violence often escalates from threats and verbal abuse to violence. While physical injury may be the most obvious danger, the emotional and psychological consequences of relationship abuse are also severe and usually cause a fear of the partner and feelings of helplessness and desperation.

Stalking

Stalking includes repeatedly following, harassing, threatening, or intimidating another by telephone, mail, electronic communication, social media, or any other medium, device, or method that purposely or knowingly causes substantial emotional distress or reasonable fear for one's safety, of bodily injury, or of death to one's own person or another person. Examples of stalking can include, but are not limited to, any of the following:

- Nonconsensual communication including in-person communication, phone calls, voice messages, text messages, email messages, social networking site postings, instant messages, postings of pictures or information on websites, written letters, gifts, ordering goods or services, or any other communications that are undesired and/or place another person in fear.
- Following, pursuing, waiting, or showing up uninvited at a workplace, place of residence, classroom, or other locations frequented by a complainant.
- Vandalism, including attacks on data and equipment.
- Physical and/or verbal threats against a complainant or a complainant's loved ones.
- Gathering of information about a complainant from family, friends, co-workers, and/or classmates.
- Manipulative and controlling behaviors, such as threats to harm oneself or threats to harm someone close to the complainant.
- Defamation or slander against the complainant, posting false information about the complainant, and/or posing as the complainant to post to websites, newsgroups, blogs, or other sites that allow public contributions, and thereby encouraging others to harass the complainant.
- Arranging to meet the complainant under false pretenses.

Effective Consent

Effective consent is active, not passive, and can be given only

by persons of legal age. Lack of consent is the critical factor in any incident of sexual misconduct. Silence, in and of itself, will not be accepted as evidence of consent. Effective consent can be given by words or actions, as long as those words or actions create mutually understandable permission regarding the conditions of sexual activity — with whom, when, where, why, and how sexual activity will take place. Obtaining consent is an ongoing process in any sexual interaction.

Sexual consent must be asked for and granted each and every time sexual activity takes place, regardless of previous levels of sexual intimacy between partners. Effective consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or continued pressure to submit after someone makes it clear 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. The parameters of effective consent are exemplified in the following guidelines:

- Consent to participate in sexual activity is freely and actively given, and requires clear communication between all persons involved in the sexual encounter.
- Either party may withdraw consent at any time. Withdrawal of consent must be outwardly demonstrated by mutually understandable words or clear, unambiguous actions that indicate a desire to end sexual activity. Once withdrawal of consent has been expressed, sexual activity must cease. The other individual(s) must immediately stop.
- Consent to engage in sexual activity must exist from the beginning to end of each instance of sexual activity and for each form of sexual contact. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
- Previous relationships or previous consent does not imply consent to future sexual acts.
- Any time sexual activity takes place, the individuals involved must be capable of controlling their physical actions and making rational, reasonable decisions about their sexual behavior. If at any time it is reasonably apparent that either party is hesitant, confused, or unsure, both parties should stop and obtain mutual, verbal consent before continuing such activity.
- Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity.
- Sexual intercourse or sexual contact with someone you know is mentally or physically incapacitated, or you have reason to believe is mentally or physically incapacitated (by alcohol or other drug use, unconsciousness, or blackout), violates this policy.
- Minors, mentally disabled individuals, or persons incapacitated because of consumption of drugs or alcohol cannot give effective consent. This policy also covers someone whose incapacity results from mental disability, sleep, involuntary physical restraint, or from the taking of a so-called "date-rape" drug.

Incapacitation

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. As stated above, a Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated this policy. It is not an excuse that the Respondent was intoxicated and, therefore, did not realize the other person's incapacity. "Should know" is an objective, reasonable person standard which assumes that a reasonable person is both sober and exercising sound judgment. Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. This policy also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs. Under Iowa Code 709.1A, Incapacitation is defined as:

As used in this chapter, "incapacitated" means a person is disabled or deprived of ability, as follows:

1. "Mentally incapacitated" means that a person is temporarily incapable of apprising or controlling the person's own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance.
2. "Physically helpless" means that a person is unable to communicate an unwillingness to act because the person is unconscious, asleep, or is otherwise physically limited.
3. "Physically incapacitated" means that a person has a bodily impairment or handicap that substantially limits the person's ability to resist or flee. Sexual Assault: "Sexual assault" means an offense that meets the definition of rape, fondling, incest, or statutory.

V. Conflict of Interest

Wartburg College has an obligation to demonstrate and document good governance to protect the integrity and credibility of the College and to maintain the trust and confidence of its community. The purpose of the conflict of interest policy is to address potential conflicts occurring when an employee is in a position to influence a college decision that may result in direct or indirect personal gain and to ensure the transparency of related party relationships. The policy is also intended to address conflicts that arise when a College employee's personal interests or relationships conflict with the ability of such employee to act in a neutral

manner with regard to a complaint against a faculty member, staff member, or student. The manner in which a conflict of interest is to be handled may also be addressed in other College policies. In accordance with this policy, those who participate in the investigation or resolution of a complaint under Wartburg's policies shall take all necessary precautions to avoid any actual or potential conflicts of interest and to disclose any actual or potential conflicts that may exist.

A conflict of interest arises when someone may benefit personally from dealings with an entity or person with a relationship to the college, including indirect benefits such as to family members or businesses with which the person is closely associated. A conflict of interest also arises when someone's personal interests or relationships may compromise the professional judgment in the discharge of college duties and responsibilities. Examples of potential conflicts include but are not limited to:

- Employment with, membership on a board of directors of, or significant ownership interest in a company doing business with the College; or
- An employee or staff member serving in some capacity in an investigation or proceeding for possible violation of a College policy has a personal interest with one of the parties under investigation.

All individuals with an actual or potential conflict of interest shall complete a conflict of interest disclosure statement at the earliest practicable time so that the conflict may be reviewed and resolved. All statements should be forwarded to the Title IX Coordinator. Disclosure statements may be reviewed by a committee consisting of representatives from Human Resources, Student Life, and Dean of Faculty offices, respectively. The committee will determine any appropriate action that may be necessary, including but not limited to annual disclosure or disqualification from participation in transactions creating the conflict. Not all conflicts will be material enough to be of practicable importance or if material, upon full disclosure, may not necessarily affect the College, the proceeding, or the investigation in an adverse way. However, in the interest of transparency, disclosure is still required.

If an individual believes that a College employee has a conflict, the individual is to promptly report the perceived conflict to the Title IX Coordinator. In the event that the conflict concerns the Title IX Coordinator, the individual is to submit the notification to the Dean of Students or Dean of the Faculty. The notification is to be in writing and include a description of the perceived conflict of interest and the rationale for the belief that there is a conflict of interest. The Dean of Students or Dean of the Faculty shall be responsible for reviewing the matter and taking appropriate actions to ensure that the conflict of interest concern is appropriately addressed.

VI. Reporting a Violation

Any person at Wartburg College who believes he/she has been subject to sexual discrimination or a victim of a sexual misconduct act by a Wartburg College student, faculty, staff, or outside third party is encouraged to promptly take the following actions:

- Report the incident to a responsible employee. (See Discussing a Violation with a Responsible Employee section)

Individuals can report information relating to violations of the conduct code including violations of this policy, to www.wartburg.edu/SeeSomething-SaySomething, which allows members of the Wartburg Community to anonymously report crimes, offer tips, or advise the College of other adverse situations.

Once an incident has been reported, the following actions will be taken:

- The information shall be brought to the Title IX Coordinator or one of the Title IX investigators.
- The Title IX Coordinator or designee will meet with the complainant to explain his/her rights and options and the procedure by which the investigation will be conducted. The Title IX Coordinator will consider a victim's request for confidentiality, described further in section Protection of Parties: Interim Measures, Requests for Confidentiality, and Prohibition on Retaliation.
- The Title IX Coordinator or designee will provide information about the formal reporting options and policies governing confidentiality, describe the rights of the victim regarding options and policies governing confidentiality, describe the rights of the victim regarding type of protection (no-contact order, restraining order), and explain how each reporting option works.
 - i. Institutional complaint — An institutional or criminal complaint initiates the investigation procedures by the Title IX Coordinator and the Title IX Investigator. The written institutional complaint should provide the following information:
 - a. The names, addresses, and telephone numbers, if available, of the complainant and respondent;
 - b. Specific acts alleged, including dates, times, and locations;
 - c. Names of potential witnesses, including addresses and telephone numbers, if available; and
 - d. Actions taken by any party to address the discrimination, if any.
 - ii. Criminal complaint — Each Complainant has the right to notify or to decline to notify campus security, the police, or other local law enforcement agency. If the Complainant wishes, a responsible employee of Wartburg College will assist the Complainant with reporting the incident to law enforcement.

Investigation Procedures

Wartburg College shall attempt to resolve any reports of sexual harassment and discrimination by informing, educating, mediating, or negotiating informal agreements with the complainant and respondents. If no resolution can be reached that is acceptable to both parties and to the College, the Title IX Coordinator or designee may institute a sexual harassment investigation, at the request of the complainant, as outlined below.

The goal of early resolution is to resolve concerns at the earliest stage possible, with the cooperation of all parties involved. Early resolution may include an inquiry into the facts, but typically does not include a formal investigation. Means for resolution shall be flexible and encompass a full range of possible appropriate outcomes. Early resolution includes options such as mediating an agreement between the parties, separating the parties, referring the parties to counseling programs, negotiating an agreement for disciplinary action, conducting targeted educational and training programs, or remedies for the individual harmed by the harassment or discrimination. Early resolution can also include options such as discussions with the parties, making recommendations for resolution, and conducting follow-up after a period of time to assure that the resolution has been implemented effectively. Early resolution may be appropriate for responding to anonymous reports and/or third-party reports. Steps taken to encourage resolution and agreements reached through early resolution efforts should be documented.

The following procedures will govern all investigations of sexual misconduct complaints alleging violations of this policy. Wartburg College reserves the right to deviate from these procedures when such deviation is necessary to ensure appropriate processing of the investigation, to ensure the process will be prompt, fair, and impartial. Title IX Investigators without a conflict of interest to the parties, witnesses, or the outcomes of the decision will conduct the investigation and adjudication. Title IX investigations will be conducted by officials who have received, at minimum, annual training on issues related to dating violence, domestic violence, sexual assault, stalking, and how to conduct investigations or hearings that protect victims and promote accountability. Should the Title IX Coordinator be unavailable to oversee the process and coordinate the process, his/her designee will act instead.

1. A Title IX investigative team (consisting of two trained Title IX Investigators) shall conduct an investigation into the report. The investigation should be conducted within 14 working days or within a reasonable amount of time required to complete the investigation. If law enforcement is involved, the college may delay its investigation process while police engage in a legal investigation.
2. The purpose of the college investigation is to establish whether there is a reasonable basis for believing that the alleged violation of this policy has occurred. During the course of an investigation, the investigating office will work collaboratively with other college offices to ensure

- that the investigation is handled properly and thoroughly.
3. If the complainant or the respondent is under 16 years of age, his/her parent or legal guardian will be notified of the complaint by phone, email, or U.S. mail and the local police department will be notified.
 4. Advisers can be requested throughout this process by both the complainant and the respondent. An adviser is any individual of the party's choosing. An adviser does not actively participate unless the adviser obtains express permission to do so from the individual charged with handling the investigation. Advisers may be present during the investigation and during any pre-investigation and post-investigation meetings.
 5. The investigation will include, but not be limited to, interviewing the Complainant, Respondent, any relevant witnesses, and evaluating other evidence such as documents, emails, texts, etc. Complainants and respondents will each have the opportunity to respond to allegations, examine evidence, and participate in the process. All witness interviews will be audio recorded, and all such recordings shall at all times remain the property of the College.
 6. In conducting the investigation, the appropriate administrator or their designee may interview the complainant, the respondent, and other persons believed to have pertinent information. At all times the Title IX Coordinator, who is responsible for the investigation, will take appropriate steps to ensure the confidentiality of the investigation and protection of all parties.
 7. In all procedures involving allegations of violations of this policy, regardless of any language found within any applicable policy, the standard of proof shall be "preponderance of the evidence." A preponderance of the evidence means that the information shows that it is "more likely than not" that the accused violated this policy.
 8. After all available information is reviewed and interviews completed, the Title IX Investigators, or his/her designee, will review all the information and
 - a. Provide the Complainant and Respondent the same opportunities to respond to allegations, examine evidence, and participate in the process.
 - b. Determine whether misconduct has occurred and the appropriate response. When an employee has engaged in misconduct, the Director of Human Resources and/or Dean of the Faculty will take formal action. When a student has engaged in misconduct, the Chief Student Conduct Officer will take formal action. Sanctions may include disciplinary action ranging from apologies or warnings up to suspension or termination of employees and suspension or expulsion of students.
 - c. Notify simultaneously in writing the complainant and the respondent regarding the outcome of the investigation, the appeal procedures, and any changes to the final results within 10 working days after the completion of the investigation.
 - d. Collaborate with necessary administration and/or departments to provide assurance that the school will take steps to prevent the recurrence of any sexual violence and remedy discriminatory effects on the complainant and others, as appropriate.
 9. If either party is unsatisfied with the handling of the investigation or the recommendations of the Title IX investigation or the recommendations of the Title IX Investigator, she or he may request from the Title IX Investigator a review of materials used in the investigation and clarification of sanctions. The request must be made in writing within three working days and must explain the reasons, in light of the established criteria for an appeal of sanctions, why the student objects to the sanctions or seeks further clarification.
 10. Protection of the campus community is paramount. Therefore, the college may take appropriate disciplinary action where a complaint of sexual assault, dating violence, domestic violence, and stalking complaint has occurred, with or without concurrence of the complainant.
 11. During any on-campus disciplinary action relating to a sexual assault, the complainant and respondent are each entitled to have an adviser of choice present in the room.
 12. All complaints will be adjudicated as expeditiously as possible and generally within 60 workdays.

Appeal Process

If, after the initial review and clarification of sanctions by the Title IX Investigator, the complainant or respondent chooses to appeal the decision, he or she may, within three workdays, formally appeal to the Title IX Coordinator, by written notice. If there is a conflict of interest with the Title IX Coordinator, the appeal shall be referred to the Dean of Students, Dean of the Faculty, or the President. This notice must include a rationale for the person's appeal, explaining why he/she objects to the decision. The Title IX Coordinator, Dean of Students, Dean of the Faculty, or President will consider an appeal only if one of the following is demonstrated:

- Irregularities that influenced the outcome of the disciplinary action. It is up to the person making the appeal to demonstrate that the original decision would likely have been different if the irregularity or error not occurred.
- Prejudice on the part of the Title IX Investigator or any other college personnel who participated in the process against any party involved. The prejudice must be more than simple opposition to the appealing party's point of view; instead, evidence must show a significant conflict of interest, bias, pressure, or influence that prevented a fair and objective hearing.
- Discovery of new and significant evidence not available at the time of the original hearing/ investigation.

- To determine that the finding is not consistent with the information or evidence obtained or a sanction or remedy that is extraordinarily disproportionate to the violation.

Upon receipt of this written notice, the Dean of Students, Dean of Faculty, or President will inform the other party of the appeal, evaluate the merits of the appeal request, and will inform the appellant within three workdays as to whether or not the full appeal will be considered. If the Dean of Students, Dean of Faculty, or President denies the appeal request, there is no further appeal.

If the appeal is accepted, an Appeal Committee will be established, comprised of trained Title IX investigators not involved in the original investigation. The Appeal Committee will review the notice of complaint document, any investigatory materials, Investigators Notice of Decision, Notice of Appeal, and any response to the Notice of Appeal. Within 15 workdays, the Appeals Committee will make a decision on the appeal. If the Appeal Committee reverses or alters the original Investigators' decision, the Appeal Committee's decision shall be final.

VII. Protection of Parties: Interim Measures, Requests for Confidentiality

After lodging a complaint, a student or employee may request that the complainant's name not be disclosed to the alleged perpetrator and may also request that the College refrain from investigating or taking disciplinary action against the alleged perpetrator. To every extent possible, Wartburg College will endeavor to honor such a request. The College reserves the right, however, to override this request in order to meet its legal obligations under Title IX and other laws as necessary. Honoring a confidentiality request or a request to refrain from investigating or disciplining an alleged perpetrator may limit Wartburg College's ability to effectively investigate, discipline, or respond to a complaint or incident. Members of the Wartburg College community are prohibited from retaliating against any individual who lodges a complaint or who participates in an investigation under this Policy.

The Title IX Coordinator will consider all requests for confidentiality, as well as requests to refrain from investigation or discipline. If the Title IX Coordinator decides that Wartburg College can honor the Complainant's request without compromising its duties under Title IX and other laws, he or she will take all reasonable steps to respond to the incident while honoring this request. If the Title IX Coordinator decides that Wartburg College cannot honor the complainant's request without breaching its duties under Title IX and other laws, the Title IX Coordinator will overrule the Complainant's request. If a request is overruled by the Title IX Coordinator, he or she will advise the Complainant of the decision and take any steps necessary to protect the Complainant.

After it receives a complaint, Wartburg College will promptly consider, and if necessary, take interim measures prior to its investigation, to ensure the Complainant's safety, including safe

housing and movement on campus, as well as the Complainant's ability to participate in educational activities and opportunities.

To the extent possible, the proceedings will be conducted in a way that protects the confidentiality and safety of the complainant, respondent, and witnesses. The parties will be informed promptly about the outcome of the proceedings.

At the time the investigation commences, the respondent will be informed of the nature of the allegations and the facts surrounding the allegations.

At any time, the Title IX Coordinator or designee may recommend interim protections or remedies for the parties or witnesses involved be provided by appropriate college officials. At minimum, interim measures include, but are not limited to:

- Periodically updating the Complainant on the status of the investigation.
- Placing limitations on contact between the parties.
- Notifying the alleged perpetrator of guidelines established to prevent contact with the Complainant.
- Making the Complainant aware of Title IX rights and available resources.
- Notifying the Complainant of the right to engage law enforcement.
- Changing the living arrangements including making alternative workplace or student housing arrangements, which could include removing an alleged perpetrator from campus housing at her or his own expense.
- Modifying course schedules, including assignments and exams and increased monitoring or supervision.

A complainant found to have been intentionally dishonest in making the allegations or to have made them maliciously will be subject to disciplinary action. False charges or complaints of sexual harassment are damaging to the campus community and will be treated as a serious offense. Intentional false reports may also violate state criminal statutes and/or civil defamation laws.

Intent

The fact that a person did not intend to sexually harass or assault an individual is not considered a defense. The use of alcohol or drugs does not excuse behavior that violates this policy.

VIII. Outcomes of Sexual Discrimination or Misconduct

Disciplinary action by the college will normally proceed even if criminal proceedings have been initiated. Wartburg College's action will not be subject to challenge on the grounds that criminal charges involving the same incident have been dismissed or reduced or that no criminal charges have been brought. The procedures and burdens of proof in a disciplinary action are different from those applicable to a criminal trial. If civil authorities are notified, students can

anticipate that Wartburg College will be in communication with such authorities. Any person violating the college's policy against sexual discrimination, sexual assault, sexual misconduct, relationship violence (domestic and dating), or stalking may be subject to disciplinary action, including loss of educational opportunities, loss of scholarship, suspension, dismissal, or expulsion. The nature of the sanction(s) will be determined on a case-by-case basis, taking into account numerous factors, including the following:

- The severity of the incident;
- Previous disciplinary infractions;
- Consistency in punishment for like offenses;
- Risk of repeat offenses;
- Danger to community;
- Acceptance of responsibility/remorse;
- Type of harm caused;
- Number of victims; and
- Necessary actions to protect survivor/community.

In addition to sanctions against the alleged perpetrator, the College may provide recommendations/accommodations to the complainant such as counseling, alternative living/working arrangements, and academic accommodations.

Retaliation

Wartburg College prohibits retaliation against a complainant, respondent, or any individual or group of individuals involved in the investigation of and/or resolution of an allegation of sexual discrimination or misconduct. Such retaliation shall be considered a serious violation of the policy and independent of whether an informal or formal complaint of sexual discrimination or misconduct is substantiated. Encouraging others to retaliate shall constitute a violation of the policy. Examples of conduct that may constitute retaliation include, but are not limited to:

- Unfair grading, evaluation, or assignments;
- Having information withheld or made difficult to obtain in a timely manner, such as class information, recommendations, or grades
- Not being informed important events, such as meetings or changes in policies; and
- Ridicule (public or private), taunting, bullying, verbal or written threats or bribes, or refusal to meet with the person even though that person has a right to do so.

Any person who retaliates against a complainant will be subject to disciplinary action up to and including termination of employment (employees) or expulsion (students).

Persons who believe they have been retaliated against in violation of the policy should file a complaint with the Title IX Coordinator.

Confidentiality

All inquiries, complaints, and investigations are treated with discretion. Information is disclosed as law and policy permit or require. The identity of the complainant may, however, be disclosed to the person(s) accused of misconduct. Publicizing information about alleged sex discrimination or misconduct is strongly discouraged, as publication of information may constitute retaliation under this policy, which is strictly prohibited.

The Title IX Coordinator shall maintain all information pertaining to a complaint or investigation in secure files.

Federal Statistics Reporting Obligations:

Federal regulations require campus law enforcement officials to publish an annual security report (<http://info.wartburg.edu/Portals/0/Security/securityreport.pdf>) describing the types and numbers 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 and meets reporting requirements established by the Clery Act.

IX. Special Provisions

Attempted Violations

In most circumstances, the college will treat attempts to commit any of the violations listed in this policy as if those attempts had been completed.

Encouraging Complaining Parties to Report Violations

The college community encourages the reporting of Title IX violations. Sometimes complaining parties are hesitant to report to college officials because they fear that they may be charged with policy violations, such as underage drinking at the time of the incident. It is in the best interest of this community that as many complaining parties as possible report to college officials. To encourage reporting, the college pursues a policy of offering immunity from being charged with policy violations related to a particular incident to those parties complaining of sex discrimination or misconduct.

Encouraging Witnesses to Aid Victims

Wartburg College subscribes to the concept of a "Good Samaritan" policy. For example, an underage student who has been drinking should not hesitate to help another student who is in danger. A student who chooses to intervene in the situation will not be subject to formal discipline sanctions.

Parental Notification

The college reserves the right to notify parents/guardians of dependent students regarding any health or safety emergency, change in student status, or conduct situation. The college also reserves the right to designate which college officials have a need to know about individual complaints pursuant to the Family Educational Rights and Privacy Act (FERPA).

Notification of Outcomes

The outcome of the Title IX investigation involving students is part of the educational record of the student parties involved, and is protected from release under the federal laws delineated by FERPA. The college observes legal exceptions regarding notification of the parties involved and others whom the college determines to inform based on the law and this policy.

Students who bring any sort of sex discrimination complaint against faculty or staff shall be informed of the outcome of the investigation and the resolution at the same time as the complaint respondent.

The college may release publicly the name, nature of the violation, and the sanction for any student who is found in violation of a college policy that is a "crime of violence," including sex offenses, arson, burglary, robbery, criminal homicide assault, destruction/damage/vandalism of property, and kidnapping/abduction. The college will release this information to the complainant in the case of any of these offenses regardless of the outcome of the investigation.

Implementation and Dissemination of Information

To support this policy, Wartburg College will conduct periodic orientation and ongoing educational programs for students, faculty, and staff concerning all areas of the Title IX, Clery Act, VAWA, and Campus SaVE Act. The Title IX Coordinator is charged with communicating annually by letter to all faculty, staff, and students to remind them of the contents of the Title IX Policy, rights and privileges of individuals, and responsibility of faculty and staff regarding sexual misconduct, relationship violence, and stalking. Copies of this policy and the procedures it prescribes will be available at all times at appropriate college centers and offices, as well as on the Wartburg College website.

Sex Offender Information

The federal Campus Sex Crimes Prevention Act requires institutions of higher education to issue a statement advising the campus community how to obtain state law enforcement agency information concerning registered sex offenders. It also requires sex offenders, who are already required to register in a state, to provide notice, as required under state law, of each institution of higher education in that state at which that person is employed, carries a vocation, or is a student. For the State of Iowa, you may obtain this

information by contacting the Waverly Police Department at (319) 352-5400 or by inquiring through the Iowa Sex Offender Registry at <http://www.iowasexoffender.com>.

Child Abuse Reporting

Consistent with the Code of Iowa, any employee who in the scope of their employment responsibilities examines, attends, counsels, or treats a child (person under the age of 18) must report suspected child abuse to the director of Campus Security & Safety, the Title IX coordinator, Waverly Police, or anonymously via SeeSomething-SaySomething (text 50911) or at www.wartburg.edu/SeeSomething-SaySomething as soon as reasonably possible. Nothing limits an employee from reporting directly to law enforcement or the Department of Human Services. The scope of this policy is intended to be broad, and any uncertainty about whether reporting is required should be resolved in favor of making a report.

STUDENT CONDUCT POLICY

Students' Rights and Responsibilities

Students are expected to conduct themselves as mature members of the college community, respecting the rights of others and making use of educational opportunities.

Standards have been established for scholarship, personal conduct, and campus life. These standards have been created to provide an environment that encourages learning. Some of the standards exist because the college is part of the larger community and is governed by federal, state, and local laws. The college is not a sanctuary from civil authority.

All students at Wartburg have the responsibility to respect the rights of others. In addition, students are committed to the academic Honor Code as approved and distributed by Student Senate.

ACADEMIC CONDUCT

The professor has full authority in determining the action to be taken in case of academic dishonesty. He/she will meet with the student to review possible academic conduct violations. Some of the following actions are possible:

- The professor may fail the student in the course;
 - The student may be given a failing grade on the examination or assignment;
 - The student's grade may be lowered on the examination or assignment; or
- The student may be required to take another examination or do the assignment over.

In addition to whatever action a professor may take, the Vice President for Academic Affairs, after consultation with the professor, may suspend or dismiss a student for committing an act of academic dishonesty.

EXAMPLES OF ACADEMIC DISHONESTY ARE:

CHEATING

- Copying homework assignments from another student.
- Working together on a take-home test or homework when not permitted by the instructor.
- Looking at and receiving information from another student's paper during an examination.
- Looking at and using notes during an examination when not specifically permitted.
- Mistreatment of the amount or type of work done.

TENDERING OF INFORMATION

- Giving your work to another student to be copied.
- Providing answers to another person for exam questions before, after, or during an exam.
- Giving or selling a term paper or any work that is to be handed in to the instructor.

PLAGIARISM

- Copying homework from a text to hand in for a grade.
- Quoting text or other works on an exam, term paper, or homework without citations.
- Handing in a paper purchased from a research service.
- Retyping someone's paper and handing it in as your own.
- Incorrectly citing resources for written assignments.

COLLUSION

- Planning with one or more students to commit any form of academic dishonesty.
- Giving your term paper or any other work to another student whom you suspect will plagiarize it.
- Unauthorized collaboration of aid in any academic work.

MISREPRESENTATION

- Having another student do your work for you.
- Lying to your professor to increase your grade.
- Having another student take an exam for you.
- Submitting the same work for a grade in two different courses without permission from the course instructors.
- Misrepresentation of the amount or type of work done.
- Altering a graded work after it has been returned, and then submitting it for re-grading without the instructor's knowledge.

BRIBERY

- Offering money or any item or service to a faculty member or another person to gain academic advantage for yourself or another student.

ABETTING DISHONESTY

- Observing cheating on an examination without reporting it to the faculty member.
- Passing answers for a test from one student to another via any mode of communication. (e.g. texting, online communities such as Facebook, etc.)
- Knowing about plagiarism by another student on a paper without reporting it to a faculty member.
- Assisting a student in buying a paper from a research service.

DAPP

DAPP stands for Drug and Alcohol Prevention Program. The Drug-Free Schools and Communities Act (DFSCA) requires colleges and universities receiving federal funding to implement these programs and report on their effectiveness.

DAPP is closely related to Clery reporting, as Clery requires institutions to include policies regarding alcohol and drug use in their Annual Security Report.

What the DAPP and Clery reporting entail?

- Annual notification: Institutions must annually inform all students and employees, in writing, of their standards of conduct regarding illicit drugs and alcohol, the applicable legal and campus sanctions for violations, the associated health risks, and the available treatment programs.
- Biennial review: Schools must prepare a report every two years to review the effectiveness of their drug and alcohol prevention efforts and the consistency of sanction enforcement.
- Policy inclusion in the Annual Security Report (ASR): The Clery Act requires that the institution's ASR include policy statements on the use, possession, and sale of alcoholic beverages and illegal drugs.
- Disciplinary referrals: Clery reporting requires that institutions disclose the statistics on arrests and referrals for campus disciplinary action for liquor and drug law violations.

Social Conduct

PURPOSE OF THE CONDUCT SYSTEM

The Student Conduct System at Wartburg College has been established to provide a process through which students, faculty, and staff can function productively as a college community. Student involvement is essential in the conduct process. To inform students about appropriate behaviors, general information related to conduct proceedings (violations and sanctions) may be reported periodically.

I. STUDENT CODE

- A. All members of the Wartburg community have the responsibility for adhering to all local, state, and federal laws. The college will not protect members of the community

from the consequences of violation of these statutes.

1. Student behavior occurring off-campus that violates local, state, and federal laws or additional college regulations are subject to proceedings within the Wartburg College Student Conduct process.
- B. Misconduct in any of the following areas will be considered a violation of college regulations (additional policies, procedures, and rules are outlined in this Student Handbook and the Residence Hall Policies):
 1. Knowingly providing false information to college officials on a college-related matter, including a conduct investigation or hearing, with the intent to deceive.
 2. Intentional obstruction of college officials or employees attempting to carry out their responsibilities and duties. This would include failing to comply with a college employee's reasonable requests or directions.
 3. Physical, verbal, written abuse or harassment of any person on college property or at college-sponsored events, or conduct that threatens or endangers the health or safety of that person.
 4. Sexual harassment or assault of any member or visitor to the college.
 5. Theft, vandalism, or unauthorized use of property or services on college property or at college-sponsored events.
 6. Disorderly or obscene conduct on college property or at college-sponsored events.
 7. Use, possession, sale, distribution, or in presence of narcotic or dangerous and illegal drugs
 8. Use or possession of explosives, firecrackers, or firearms on college property.
 9. Misuse of or tampering with fire alarm systems or other safety and security equipment.
 10. Illegal gambling, as defined by the State of Iowa and federal law, which adversely affects an individual or individuals, with the exception of raffles approved by the college and permitted by the State of Iowa.
 11. Conduct that adversely affects the student's ability or other students' ability to be a contributing member of the academic and residential community. See Hazing and Bullying Policies for additional information.
 12. Failure to observe sanctions imposed through the established college judicial process.
 13. Violation of rules, procedures, and policies governing.
 14. Violation of rules, procedures, and policies, stated in the current catalog, Student Handbook, or other current official publications or notices.

The procedures employed by the Student Conduct System are a part of the educational process and are designed to help students determine appropriate behavior in the college community. There is a fundamental difference between the nature of student discipline and civil law. Student discipline must be consistent with the educational mission of the

institution. The conduct procedures provide for a fair hearing and an appeal. Decisions are based on a preponderance of evidence as it is available to college officials. The procedures and sanctions are not meant to resemble those used in a civil judicial process. A wide range of sanctions are available to the official who hears the case.

Disciplinary actions, taken in a manner that promote student growth and understanding, attempt to hold students accountable for their behavior. Punitive measures are not the primary focus. Wartburg College, through the conduct system, articulates the ethical precepts that support the behavioral expectations of the community.

I. FILING A COMPLAINT

Any student, faculty member, staff member, or administrator may report a violation of college policy against a student. The charges must be filed on either an incident report form, security report, or documented in written form. Those wishing to make an anonymous report can do so through use of SeeSomething-SaySomething; however, this will limit the College's ability to take action on the matter.

Students who are charged with behavior threatening or contrary to the policies and lifestyles of the Wartburg community may be subject to an interim suspension by the Vice President for Student Life prior to the hearing. Students living on campus will be required to vacate their residence within a time period designated by the Vice President for Student Life or designee.

A report of violation of college policy covered by local, state, or federal law also may result in a student being subject to the student conduct process.

II. HEARING OFFICERS

Administrative Hearing

1. Purpose

The administrative hearing may consider any disciplinary matters involving the student as a citizen on campus, while involved in a Wartburg-authorized program and in society.

Administrative hearings are convened to address most violations of the code of student conduct. Wartburg personnel responsible for specific activities, programs, or facilities may investigate, review facts, and impose sanctions when appropriate.

In cases requiring immediate action—such as emergencies or situations impacting individual or community welfare—the Chief Conduct Officer or their designee will act accordingly.

2. Composition and Selection

The Vice President for Student Life, Director of Residential Life, or their designee will conduct all administrative hearings. If

an administrator has a conflict of interest, it may be requested another administrator handle the hearing.

Procedure

I. REVIEW OF THE COMPLAINT

The Vice President for Student Life or the Director of Residential Life/Chief Conduct Officer or their designee shall make a preliminary investigation and may attempt to dispose of the charges by mutual consent without the initiation of formal disciplinary proceedings. If there is uncertainty or dispute concerning the charges and/or sanctions, the case shall be taken to the appropriate administrator.

II. NOTIFICATION OF INVOLVED PARTIES

Formal disciplinary proceedings will begin immediately after the incident report form or written documentation has been received and reviewed. The charges will be presented to the charged student(s) in writing. The charged student(s) must respond within three days to the assigned conduct officer or designee. In some instances, depending on the severity of the incident and the judgment of the administrative hearing officer, other parties involved (complainant) in the incident may be informed of the conduct process outcomes and sanctions. Email is an official form of college communication.

III. THE HEARING PROCESS

A. Rights and Responsibilities of the Complainant and the Charged Student

1. The charged student and the complainant (if there is one) may request a person of their choice to be present at the hearing. This person may not participate in the hearing. The administrative hearing officer must be present at the hearing.
2. The charged student, the complainant or administrative hearing officer may request the presence of witnesses. A witness shall be defined as a person with factual knowledge concerning the incident. The administrative hearing officer must be notified of all witnesses at least one day prior to the hearing.
3. If the charged student or complainant fails to appear at the scheduled time of the hearing, the administrative hearing officer will hear and determine, if possible, the matter in the student's absence. The student will be notified of the decision.

B. Investigation

Upon receiving a grievance report, a preliminary investigation will be conducted to determine if the report merits further investigation and/or whether the grievance can be addressed by an administrative hearing, by the Student Honor Council,

or the Title IX Coordinator.

All investigations will be thorough, reliable, and impartial. Investigations will entail interviews with all relevant parties and witnesses, and by obtaining available evidence and other information as necessary.

Investigations may take longer when initial reports of grievance fail to provide direct first-hand information. Upon occasion, it may be required to undertake a short delay when civil or criminal charges on the basis of the same behaviors that invoke this process are being investigated. Wartburg's action will not be altered or precluded on the grounds that other non-college civil or criminal charges involving the same incident have been filed or that charges have been dismissed or reduced.

The imposition of interim restrictions or a suspension may be considered prior to the completion of the investigation in order to ensure the safety and well-being of persons involved in the complaint and other members of the campus community.

1. The administrative hearing officer introduces all persons present.
2. The administrative hearing officer explains the hearing procedures.
3. The date of the incident and charges are read and explained as needed.
4. Administrative hearing officer questions the charged student(s).
5. The witnesses re-enter when called to be questioned as needed.
6. Charged students are given an opportunity to share their perspective on the incident and ask any questions regarding the process.
7. The charged student(s) are excused.

IV. DECISION PROCESS

A. Determination of Responsibilities

1. If the charged student(s) is found not responsible for the complaint, the case will be dismissed.
2. If the charged student(s) is found responsible for the complaint or the administrative hearing officer will deliberate and determine the sanctions.

B. Choice of Sanctions

The choice of an appropriate sanction will be undertaken in a manner promoting student growth and understanding. The sanction should not be perceived solely as a penalty for misconduct. Although sanctions will be dealt with on an individual basis and are designed to hold student(s) accountable for their behavior, some choices include, but are not limited to:

- **Written Warning:** A written reprimand warning that another violation, within a certain period of time, will result in more severe action. A copy will be saved in the student's file maintained by the Chief Conduct Officer.
- **Monetary Fine:** A monetary charge ranging from \$50 to \$500 may be fined to the student(s) involved and used for educational purposes.
- **Educational Sanction:** Participation in a group or activity, designed to further the participants understanding of self and the issues involved and acceptance of the college's positions and needs.
- **Payment of Damages:** Restitution for the cost of any damages, including labor costs. This might be assessed by requiring campus work under the supervision of the Student Life Office.
- **Community Time:** Required community service supervised by the Student Life Office or its designee.
- **Residence Hall Restrictions:** Changing place of residence, possibly moving off campus. In addition, the student may be prohibited from visiting a particular floor, house, or hall. If removed from the hall, the student will receive no refund for room costs. However, the student would receive a refund for board costs if he/she chooses not to participate in the board plan.
- **Social Probation:** A probationary period lasting from one term up to the remainder of the student's enrollment at Wartburg. If the student is found to be responsible for another violation of college policy during this time, further disciplinary action will be taken and may include loss of housing privileges on campus or suspension.
- **Disciplinary Probation:** A probationary period lasting from one term up to the remainder of the student's enrollment at Wartburg. This could exclude participating in extracurricular activities of the college for that period of time. This could make the student ineligible for intercollegiate or intramural competition, campus offices, and/or organization membership. If the student is found to be responsible for another violation of college policy during this time, further disciplinary action will be taken and may include suspension.
- **Suspension** — Suspension from Wartburg College for a period of time.
- **Expulsion** — Permanent dismissal from the college.

V. NOTIFICATION

The charged student will be notified in writing of the decision. This notification will include the decision, any sanctions with deadlines, and an explanation of the appeal process.

VI. APPEALING A DECISION

In the interests of due process, decisions made through administrative hearings may be appealed through the administrative appeal process.

Administrative Appeal

An administrative appeal may occur upon the request of the student(s) against whom the complaint is filed, in the event an administrative hearing was held. Administrative appeals will be heard by the Vice President for Student Life, Chief Conduct Officer, or their designee.

The charged student or the complainant may file an appeal. The right of appeal does not entitle a student to a full rehearing of the case. A written justification for the appeal must be filed with the Vice President for Student Life or designee within two days of the written announcement of the decision. The Vice President for Student Life or designee must notify administrative hearing officer who conducted the administrative hearing that an appeal has been filed.

The appeal hearing shall be limited to a review of the original incident report or written documentation, decision letters, and written justification of the appeal.

If, in the opinion of the administrative appeal hearing officer, the appeal lacks merit, they may refuse to accept it. An appeal will be heard based on whether:

- A procedural error or omission occurred that significantly impacted the outcome of the hearing (e.g., substantiated bias, material deviation from established procedures, etc.).
- To consider new evidence, unknown or 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. New evidence that could not have been previously discovered and that, had it been presented at the initial hearing, would have substantially affected the original decision will be treated as grounds for a new hearing by the original judicial body.
- The sanctions imposed are substantially disproportionate to the severity of the violation.

All materials relative to the case will be reviewed — the incident report or written documentation, decision letters, and the written justification of the appeal.

The administrative appeal hearing officer may conduct personal interviews with both the complainant and the charged student(s). The administrative appeal hearing officer may revise or dismiss the originally stated sanctions. Decisions made through administrative appeal are final.

Sexual Violence Prevention Education and Training

Wartburg College educates its students and staff regarding the Clery Act reporting requirements and the educational requirements regarding sexual violence.

The College prohibits dating violence, stalking, domestic violence, rape and acquaintance rape, and other types of sexual assault and misconduct. The Student Life staff, including student resident assistants, as well as other

mandatory reporters of the College and all responsible staff, as well as new employees receive information regarding these College rules. This information includes primary prevention and awareness information, including how to report and how to seek help. Key staff have been educated as bystander intervention trainers and provide this training about safe and positive interventions to students and employees. The definition of these offenses, the definition of consent, the recognition of signs of abusive behavior, and how to avoid potential attacks is included in the training.

The college uses in-person and online training to ensure easy access to training for all students and employees. Campuswide awareness events are implemented by student groups, with the support of staff, and other events are implemented by staff and/or faculty. Online course, Building Supportive Communities: Clery Act and Title IX, for staff and faculty is the current training.

Missing Person Policy

Anyone who suspects that a Wartburg student who resides in on-campus housing is missing should immediately contact the Wartburg Security at 319-352-9999. If a student is reported missing to someone other than the Wartburg Security, the person receiving the report should immediately refer the report to Wartburg Security. Wartburg Security will begin an investigation in order to determine whether the student is missing. Once Wartburg Security investigates and determines that the student is missing, the Wartburg Security will notify Emergency contact faculty and other local law enforcement agencies and the student's Emergency Contact within 24 hours after the student is determined to be missing. Contacts to local law enforcement agencies will be made whether or not the missing student has designated a contact person. The Wartburg will request of all new students residing in the college owned residence system that they provide, on a voluntary basis, emergency contact information. Additionally, students living in on-campus housing will also be given the opportunity each year to designate a contact person or persons to be notified if the student is determined to be missing. A student may identify the same individual for both purposes, but may choose not to list the same person for both their Emergency Contact and Missing Person Contact. Any missing person contact the student has designated will also be contacted within 24 hours after the student is determined to be missing. Missing Person Contact information provided by the student will be registered confidentially and will be accessible only to authorized college and law enforcement officials. Students' missing person contact information will not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation. In addition to notifying the designated missing person contact(s), the college will notify local law enforcement agencies within 24 hours of the determination that the student is missing, unless a local law enforcement agency is the entity that determines the student is missing. If a student is under the age of 18 and not emancipated, the Wartburg College must

notify a custodial parent or guardian within 24 hours of the determination that the student is missing in addition to notifying any additional missing person contact designated by the student.

Policy Addressing Monitoring Off-Campus Activity

Wartburg College does not recognize any off-campus student organizations.

Security Awareness Programs

During the Student Orientation and Registration Program (SOAR) and New Student Orientation, new students and their parents/guardians receive a security briefing. This presentation includes a summary of the college's emergency response plan, Wartburg Alert emergency notification system, and the general crime situation on campus and in the Waverly area. They are also provided with crime prevention suggestions and informed how to report crimes. Similar information is presented to new employees. Periodically during the year, crime prevention and safety-related information is presented through various student and campus media forums. During an emergency or when time is critical, information is released to the college community via timely warnings or Wartburg Alert releases.

Crime Prevention Programs

Campus Security offers presentations on the Run, Hide, Fight training program for active shooter and other violent response tactics. Campus Programming offers bystander intervention training. Campus Security can develop other crime prevention presentations to fit a group's need.

Weapons Policy

Any person – student, member of the faculty or staff, or visitor – who intentionally commits, attempts to commit, or incites or aids others in the use or possession on the campus of firearms, ammunition, or other dangerous weapons, substances, or materials (except as expressly authorized by the College), or of bombs, explosives, or explosive or incendiary devices prohibited by law shall be subject to disciplinary procedures by the College. Weapons are not permitted on campus except for purposes of law enforcement and as authorized by Wartburg Security Director Dean Cockerham, or his/her designer, for purposes of instruction or research.

Weapons/Firearms Policy

Firearms (including, but not limited to shotguns, rifles, and handguns), air guns, Air Soft guns, Nerf guns, paintball guns, pellet guns, bows and arrows, ammunition, explosives (including fireworks), incendiary devices, blade weapons (swords, sabers, knives, etc.), and other deadly weapons are prohibited on campus. Replicas of these weapons and toy weapons, including water guns, are also prohibited

on campus. Also, any apparatus capable of launching any projectile or substance is prohibited. There are three exceptions to this policy. Law enforcement officers, on campus in the performance of their duties, are permitted to possess firearms. Students who hunt may store firearms and archery equipment in the Campus Security Office for safekeeping and to check in and out when going hunting. Prior coordination is required, as a Campus Security escort is mandatory between the Campus Security Office and the campus boundary when checking in or out weapons. Students and faculty/staff may bring antique or special weapons or replicas of these weapons as part of a class, show, or display. When not being used as such, they must be secured in the Campus Security Office. A Campus Security escort is mandatory in these cases as well.

ALCOHOL AND OTHER DRUGS POLICY

Because alcohol and drug abuse pose a threat to the health and safety of College faculty, staff, students, and visitors and interferes with the ability of the College to achieve its mission, it is the policy of Wartburg College to provide a drug-free workplace and learning environment and, more specifically, to: Prohibit the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance by employees and students on property owned or leased by the College, at College-sponsored 10 events, or in conjunction with College activities. Comply with the provisions of the Drug Free Schools and Communities Act Amendments of 1989. Maintain alcohol and drug prevention programs including policy enforcement, education programs, and treatment services. Only permit the sale and/or use of alcoholic beverages on College property, at College-sponsored events, or in conjunction with College activities in a manner that reasonably ensures the health and safety of participants, complies with applicable law, and meets the requirements of this policy.

State and Local Government Requirements

Wartburg College will enforce all state and local government policies concerning the consumption of alcoholic beverages.

The sale of alcoholic beverages is not permitted by any organization, person, or group on the Wartburg campus unless authorized by the President.

Only students who have attained the legal drinking age of 21 years of age may possess or consume alcoholic beverages by following federal, state, and local laws as well as Wartburg requirements.

Wartburg College Requirements

As mature members of the college community, Wartburg students are expected to take responsibility for their behavior and respect the rights of others. Public intoxication and abusive or disruptive behavior will not be tolerated. Clinton Hall and the Clinton, Vollmer, and Slife halls are alcohol-free

buildings. Under no circumstances is alcohol to be present in these buildings. A student may be charged with an alcohol violation even if the student does not have alcohol in his or her possession at that time. Charges that a student has violated the policy may be filed by students, faculty, staff, or administrators and should be submitted to the Director of Residential Life. Violations will be handled by a college administrator or the Student Conduct System.

Possession or consumption of alcohol is prohibited on all campus property unless:

- A. It is by students 21 years of age or older, who may possess and consume alcohol in their residence hall room if that hall is not prohibited from such activity.
- B. It is at a college-sanctioned event approved by the President or a Vice President. Alcoholic beverages may be transported to and from rooms only in sealed containers. Kegs of beer or other large quantities or common source containers of alcohol are not allowed on campus.

Organizations that receive budgetary support from the college or organizations that solicit funds for the purpose of college activities are not allowed to use the funds to purchase alcoholic beverages.

Advertising off-campus parties is not allowed on campus. College vehicles may not be used to transport students to or from an off-campus party.

In the event Campus Security officers, Residential Life staff, Waverly police and/or medical staff must intervene with a student in his/her residence hall room in response to a concern of possible excessive alcohol consumption, leading to further concern of personal safety for that student, the student's parent or legal guardian may be contacted by the responding college or city personnel.

Violation Descriptions

Minor violations

- Possession or presence of empty, full, or partially full alcohol containers in Clinton, Vollmer, or Slife halls.
- Underage possession or consumption of alcohol.
- Possession of opened container in public/non-designated areas (any age).
- Promotion of events where alcohol is the primary focus.
- Display of alcohol-related materials in windows or area outside residence hall rooms.
- Possession or presence of empty, full, or partially full alcohol containers in underage room or where an underage student is present.
- Participation in transportation of a keg to campus and/or anywhere on campus (any age).
- Transportation of alcohol without any attempt to place alcohol in opaque container (any age).

Sanctions

In the event a conduct official finds a Respondent responsible for violating the any Policy, the director should consider the following factors when determining a sanction:

- The nature, severity of, and circumstances surrounding the violation
- An individual's disciplinary history
- Previous findings involving similar conduct
- The need for sanctions/responsive actions to bring an end to the discrimination, harassment, and/or retaliation
- The need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation
- The need to remedy the effects of discrimination, harassment, and/or retaliation on the Complainant and the community
- The impact on the parties

Any other information deemed relevant by the Title IX Coordinator. The sanctions will be implemented as soon as is feasible, either upon the outcome of any appeal or the expiration of the window to appeal without an appeal being requested. The Title IX Coordinator is responsible for effective implementation of any sanctions determined by the Residential Life Director.

Student Sanctions

One or more of the following sanctions may be imposed upon a Respondent for being found responsible for a violation . Sanctions determined will be proportionate to the severity of the violation and to the cumulative conduct history of the Respondent. Sanctions may be noted on a Respondent's official academic transcript when the outcome requires the student's separation from the College for any period of time.

1. Warning: An official written notice the Respondent has violated with the understanding that additional conduct actions would result should the Respondent be involved in other violations while affiliated with the College.
2. Restitution: Requirement that the Respondent provide compensation for damage caused to the College or any other person's property. This could also include situations such as failure to return a reserved space to proper condition for labor costs and expenses. This is not a fine, but rather a repayment for labor costs and/or the value of the property destroyed, damaged, or stolen.
3. Fines: Reasonable fines may be imposed and used to offset the cost of educational sanctions. Wartburg will Fine of \$50.00 for Alcohol , if student attends the Conduct meeting, fine will be lower to \$25.00. Money collected from students for violation of the college's alcohol policy will be deposited int the Residents programming fund.

4. Loss of Privileges: The Respondent may be denied specified privileges, related to the violation, for a designated period of time. Specific limitations or exceptions may be granted by the Dean of Students and terms of this conduct sanction may include, but are not limited to the following:
 - a. Ineligibility to hold any office in any student organization recognized by the College or hold an elected or appointed office at the College
 - b. Ineligibility to represent the College to anyone else outside the College community in a way including: participating in the study abroad program, attending conferences, or representing the College at an official function, event or intercollegiate competition as a player, manager, or student coach, etc.

Significant violations — Student exhibits any of the following behaviors due to alcohol consumption:

- Disorderly conduct.
- Physical violence.
- Verbal disruption or abuse.
- Staggering.
- Public intoxication, vomiting (but coherent and conscious).

Other significant violations include:

- Permitting others (students or guests) to use assigned room to violate the alcohol policy.
- Serving and/or providing alcohol to a person or persons not of legal age.
- Repeated minor violations.
- Use of false identifications while on campus in order to consume alcohol and avoid detection by college staff.
- Manufacturing false identifications for use by others or self.

Severe Violations — Student exhibits any of the following behaviors due to alcohol consumption:

- Vomiting and incoherent.
- Unconscious.
- Needing or receiving medical attention (including treatment by EMTs and/or transportation to hospital or "detox").
- Loss of bodily functions or memory loss.

Other severe violations include:

- Possession of a keg or other bulk or common-source container.
- Supplying or assisting a minor in any way to obtain alcohol (i.e., hosting a party with minors present).
- Illegal sale of alcohol.
- Repeated minor or significant alcohol violations.

Consequences

The following consequences may be imposed on a student found in violation of the college's alcohol policy depending upon the severity or frequency of the offense.

Minor Violations

- A fine of \$50.
- Student Life Office notified of violation(s).
- Referral to Alcohol 101 workshop.
- Letter of warning to parents, coaches, academic or co-curricular adviser.
- Referral to off-campus alcohol or drug education program.
- Social probation.
- Decrease in housing priority or relocation.
- Participation in an activity to further the participant's understanding of self and the issues involved and acceptance of the college's positions and needs.

Significant or Severe Violations:

All minor violation consequences and the possibility of suspension.

Explanation of Typical Sanctions

- Alcohol 101: A two-hour education workshop facilitated by a counselor in the Pathways Center.
- Off-campus drug and alcohol education: Specific risk-reduction program provided by a licensed chemical dependency professional. The program includes chemical use self-assessment and the development of strategies to stop or decrease the use of alcohol at the student's expense.
- Fines: Alcohol fines must be paid to the Business Office by the date specified in a student's sanction letter. Any unpaid fines will be added to the student's account and may result in further disciplinary hearing.
- Money collected from students for violation of the college's alcohol policy will be deposited into the residential programming account.

FIRE SAFETY REPORT

Wartburg College takes fire prevention and safety seriously. Our physical plant ensures our buildings meet or exceed the state fire code. Wartburg College has never experienced a fire fatality and works to ensure there never is one. As shown in the following chart, all residence halls have an audible alarm that sounds when smoke or fire is present. All fires must be reported to a Campus Security officer on duty at (319) 352-9999. Buildings with a fire alarm panel (except for Mendota, Galena, Dubuque, and St. Sebald) are equipped with a wireless notification system that immediately notifies Campus Security of the alarm. Campus Security will immediately respond and investigate the cause of the alarm. If it is determined there is a fire that cannot be extinguished by

Campus Security, that office will **call 911** to request response by the Waverly Volunteer Fire Department.

Occupants are required to evacuate a building whenever the fire alarm sounds. Leave by the safest exit possible and:

1. Keep low to the floor if smoke is present.
2. Cautiously feel doors before opening. If the door is hot, do not open; take an alternate exit route.
3. Once outside, go to the designated assembly area.
4. Call Campus Security at (319) 352-9999.
5. Report to your RA or area coordinator. Remain in the assembly area until informed by Campus Security, hall director, or fire department personnel that it is safe to return to the building.
6. If you cannot leave the room, seal up the cracks around the door using sheets, pieces of clothing, or whatever is available. Open a window and hang an object outside to attract someone's attention. Call 911 and report your location. Place a wet towel or cloth over your head and face. Breathe through the wet towel by taking short breaths through your nose. Cover your body with something that can be easily discarded if it catches fire.
7. Notify Campus Security or the hall director if you are aware of anyone in the building that cannot escape.

Fire Statistics

Per federal law, Wartburg College is required annually to disclose statistical data on all fires in on-campus student housing facilities. Below are the non-emergency numbers to call to report fires that have already been extinguished in on-campus student housing. These are fires you are unsure whether the Wartburg College Campus Security, Physical Plant, or Residential Life may already be aware of. If you find evidence of a fire or if you hear about such a fire, please contact one of the following:

- Wartburg College Campus Security: (319) 352-9999
- Wartburg College Residential Life: (319) 352-8260
- Wartburg College Physical Plant: (319) 352-8318

When calling, please provide as much information as possible about the location, date, time, and the cause of the fire.

Fire Prevention & Public Education

Education and preventative measures are the best tools for fire prevention.

1. Tampering with emergency equipment, such as fire extinguishers, fire alarms, smoke detectors, or emergency exit signs, is prohibited by state law and college policy.
2. In the event of a fire, Wartburg College expects all campus community members will evacuate by the nearest exit, closing doors and activating the fire alarm system, if it is not already activated, as they leave. Once safely outside, it is appropriate to call 911 and

Campus Security. Students and/or staff are informed where to relocate if circumstances warrant at the time of the alarm. In the event a fire alarm sounds, college policy is that all occupants must evacuate from the building, closing doors as they leave. No training is provided to students or employees in firefighting or suppression activity as this is inherently dangerous and each community member's only duty is to exit safely and quickly, shutting doors along the exit path. At no time should the closing of doors or activation of the alarm delay the exit of the building.

3. Scheduled-but-unannounced fire drills will be conducted at least four times a year per building. Participation is mandatory if present in the building.
4. Open burning, including candles, is not permitted on campus.
5. Hot plates, broilers, space heaters, ovens, and kerosene heaters are not allowed in rooms due to possible fire potential.
6. Electrical fires can be prevented by using UL-approved appliances, not overloading circuits, and not using multiple-head electrical plugs. The use of light extension cords should be kept to a minimum. Electrical cords cannot run under rugs or carpets, run between room furniture, or be hung from ceilings.
7. Refrigerators are not to exceed 5 cubic feet or 1.5 amps. Reasonable standards of sanitation must be maintained. Refrigerators must be plugged directly into the wall outlet or into a UL-approved three-prong grounded extension cord containing its own fuse. The refrigerator must be kept in open view and not placed in a closet or other enclosure that restricts adequate ventilation.
8. One microwave oven, not to exceed 1.5 cubic foot capacity or draw more than 750 watts, is permitted per student room. Microwaves must be plugged directly into the wall outlet or into a UL-approved, three-prong grounded extension cord containing its own fuse.
9. Popcorn poppers, coffee pots, and hot pots are allowed. In general, any appliance with an open, exposed heating element and without an automatic shut-off is not to be used in the residence halls.
10. Smoking is prohibited throughout campus (Iowa Smoke Free Air Act). Smoking is permitted only on public streets and sidewalks adjacent to public streets on city easement.
11. All types of explosives, to include explosive ingredients with potential to create an explosive, are prohibited on campus. Explosives include, but are not limited to, firecrackers and fireworks, gasoline, and any combustible material. Grills are not allowed inside residence halls. Compressed tanks that contain fuel for gas grills may not be stored on campus. Students

found possessing or using any type of explosive will be fined \$50.

12. Campus Security is available to conduct fire prevention classes and fire extinguisher familiarization training. Campus Security can also coordinate for training by the fire department or other public safety organizations.
13. Area Coordinators will maintain a current list of residents with disabilities that could hinder or prevent their evacuation. This list will be posted by the building's fire alarm panel so Campus Security will know rooms to check.
14. During extended breaks (Christmas, Winter, Tour Week) Residential Life and Campus Security conduct inspections of residence hall rooms to ensure life safety systems, fire extinguishers, smoke detectors, electrical cords, and appliances are safe and available as applicable.

Fire Log

Campus Security maintains a log — consolidated with reports of crimes — of all reported fires occurring on campus. This log is available for public inspection in the Campus Security office at any time. Logs are available immediately for the previous 60 days and arrangements may be made to review reports occurring after 60 days. Fire logs will contain, at minimum: nature of the fire, date occurred, time of day occurred, and general location.

Fire Drills

Unannounced-but-scheduled fire drills are conducted annually in all residence halls. Drills are conducted March, July, September, and December.

Student Housing Evacuation

When it is deemed necessary to evacuate a residence hall, the fire alarm system will be activated, either automatically in case of a fire or manually for other reasons. Evacuation is mandatory and failure to evacuate violates the Student Code. Each building has a designated assembly area. Hall directors and RAs will monitor evacuation to ensure the building is safely evacuated; Campus Security and firefighters, when available, will ensure the building is vacant.

Fire Prevention Improvements

As buildings are constructed or modified, effective fire detection and prevention systems will be installed and/or updated as necessary.

Wartburg College Residence Halls 2022-2024

Fire Equipment & Systems

Residence Hall	Fire Alarm ¹			Sprinkler			Smoke Detector			Heat Detection			Extinguishers			Evacuation Plan			Drills		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024
Afton Manors ²	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Ubuntu Center ³	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Clinton Hall	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Founders Hall	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Grossmann Hall	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Löhe Hall	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Knights Village ⁴	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Residence	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Waverly Manors ⁵	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1

- 1 Notifier or Simplex - All alarms announced to Campus Security via Instant Assistant
- 2 Includes Cornils, Chellevoid, Ernst, and Schmidt houses
- 3 Includes Vollmer, Centennial, and Hebron halls
- 4 Includes Mendota, Galena, Dubuque, St. Sebald, and Saginaw Haus
- 5 Includes Swensen, Engelbrecht, Ottersberg, and Wiederaenders houses
- 6 Only Saginaw is sprinkler and alarm equipped. Others only equipped with smoke detectors

Fire Safety Statistics

Residence Hall	Afton Manors ⁴			Centennial Complex ³			Clinton Hall			Founders Hall			Grossmann Hall			Löhe Hall			Knights Village ^{6,8}			Residence			Waverly Manors ⁷		
	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024	2022	2023	2024			
Fire #	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0
Time	-	n/a	n/a	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	n/a	-	-	-	-	-
Location	-	Chellevoid	Schmidt	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Air handler	-	-	-	-	-
Cause	-	Heat malfunction	Heat pump failure	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	Motor burnt out	-	-	-	-	-
Injuries ¹	-	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	-	-	-	-	-
Deaths ²	-	0	0	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0	-	-	-	-	-
Damage Value ³	-	\$2500	\$1800	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$1800	-	-	-	-	-
Report #	-	I4185	4390	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	22-050-F	-	-	-	-	-
Total Fires	0	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0

- 1 Number of injuries requiring treatment in a medical facility
- 2 Number of deaths related to a fire
- 3 Value of property damage caused by fire
- 4 Includes Cornils (916 5th Ave), Chellevoid (914 5th Ave NW), Ernst (912 5th Ave NW), and Schmidt (910 5th Ave NW) houses
- 5 Includes Vollmer (515 8th St NW), Centennial (915 5th Ave NW), and Hebron (917 5th Ave NW) halls
- 6 Includes Mendota, Galena, Dubuque, St. Sebald, and Saginaw houses
- 7 Includes Swensen (994 5th Ave NW), Engelbrecht (992 5th Ave NW), Ottersburg (996 5th Ave NW), and Wiederaenders (990 5th Ave NW) houses
- 8 Only Saginaw is sprinkler and alarm equipped. Others only equipped with smoke detectors