

Sexual Misconduct and Relationship Violence Policy and Procedures

In keeping with its mission, Linfield commits itself to providing an environment which is safe and which fosters excellence in learning for its students and in work performance for its employees. Linfield's expectations of civility among community members exceed those applied to the public at large. It is the policy of Linfield College that no member of the College community shall engage in sexual misconduct or relationship violence against another member of the College or larger community and that, should this occur, the College will, to the extent it is able, support the complainant and pursue sanctions against the respondent. To this end, the College shall annually apprise its students, faculty, administrators and staff of this policy, and inform them about the meaning and effects of sexual misconduct and relationship violence. For the protection of the community, the College may take action against those who commit such misconduct. In taking action, the college will make every attempt to provide as much anonymity for the complainant(s) and respondent(s) as possible. In fulfilling this policy and its procedures, the College shall seek to avoid creating a climate or taking actions that could, in themselves, have the effect of further harming a complainant. The Linfield College Sexual Misconduct and Relationship Violence Policy, while prohibiting offenses forbidden by Oregon law, also prohibits conduct that may not be a crime under Oregon law. As a result, Linfield requires a higher standard of conduct for members of the Linfield community than those applied to the public at large. Law enforcement agencies contacted about sexual misconduct or relationship violence at Linfield will follow Oregon law, not Linfield College's Sexual Misconduct Policy.

Linfield's Definition of Sexual Misconduct and Relationship Violence:

- a. Non-consensual sexual contact:
 - i. any intentional sexual touching,
 - ii. however slight,
 - iii. with any object or body part,
 - iv. by a man or a woman upon a man or a woman,
 - v. without consent.
- b. Non-consensual sexual intercourse:
 - i. any sexual intercourse (anal, oral, or vaginal),
 - ii. however slight,
 - iii. with any object or body part,
 - iv. by a man or woman upon a man or a woman,
 - v. without consent.
- c. Forced sexual intercourse:
 - i. any unwilling or non-consensual sexual intercourse (anal, oral or vaginal),
 - ii. however slight,

- iii. with any object or body part,
- iv. that is committed either by force, threat, intimidation, or through exploitation of another's mental or physical condition.

d. Sexual Exploitation:

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

- i. prostituting another student;
- ii. non-consensual video or audio-taping of sexual activity;
- iii. going beyond the boundaries of consent (such as letting your friends hide in the closet to watch you having consensual sex);
- iv. engaging in Voyeurism;
- v. knowingly transmitting an STD or HIV to another.

e. Sexual Harassment:

Sexual harassment is unwanted sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature when: (1) submission to such conduct is made a term or condition of employment or the educational relationship; (2) submission to or rejection of such conduct is used as a basis for employment or education decisions affecting the individual; or (3) such conduct has the effect of unreasonably interfering with a student's or employee's work performance or creating an intimidating, hostile, or offensive working, educational, or living environment. While sexual harassment encompasses a wide range of conduct, some examples of specifically prohibited conduct include:

- i. Promising, directly or indirectly, a student or employee a reward, if the student or employee complies with a sexually oriented request.
- ii. Threatening, directly or indirectly, retaliation against a student or an employee, if the student or employee refuses to comply with a sexually oriented request.
- iii. Denying, directly or indirectly, a student or employee an employment or education related opportunity, if the student or employee refuses to comply with a sexually oriented request. Engaging in sexually suggestive conversation or physical contact or touching another student or employee.
- iv. Displaying pornographic or sexually oriented materials.
- v. Engaging in indecent exposure.
- vi. Making sexual or romantic advances toward a student or employee and persisting despite the student or employee's rejection of the advances.

- vii. Physical conduct such as assault, touching, or blocking normal movement.
- viii. Retaliation for making harassment reports or threatening to report harassment.

Sexual harassment can involve males or females being harassed by members of either sex. Although sexual harassment sometimes involves a person in a greater position of authority as the harasser, individuals in positions of lesser or equal authority also can 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 can constitute sexual harassment even if one of the incidents considered separately would not rise to the level of harassment.

f. Domestic Violence

Domestic violence means a “felony or misdemeanor crime of violence committed by:

- i. a current or former spouse or intimate partner of the victim,
- ii. a person with whom the victim shares a child in common,
- iii. a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- iv. 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
- v. 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.”

g. Dating Violence

Dating violence means “violence committed by a person

- i. who is or has been in a social relationship of a romantic or intimate nature with the victim; and
- ii. where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - the length of the relationship;
 - the type of relationship; and
 - the frequency of interaction between the persons involved in the relationship.”

h. Stalking

Stalking means “engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- i. fear for his or her safety or the safety of others; or
- ii. suffer substantial emotional distress.”

Definition of Terms

- **Explicit Consent**

Explicit consent is the basis of the analysis applied to unwelcome sexual contact. Lack of consent is the critical factor in any incident of Sexual Misconduct or Relationship Violence.

- a. Explicit consent is informed, freely and actively given and requires clear communication between all persons involved in the sexual encounter
 - b. Consent is active, not passive. Consent can be communicated verbally or by actions. But in whatever way consent is communicated, it must be mutually understandable. Silence, in and of itself, cannot be interpreted as consent.
 - c. It is the responsibility of the initiator of sexual contact to make sure they understand fully what the person with whom they are involved wants and does not want sexually.
 - d. Consent to one form of sexual activity does not imply consent to other forms of sexual activity.
 - e. Previous relationships or consent does not imply consent to future sexual acts.
 - f. Consent cannot be procured by use of physical force, compelling threats, intimidating behavior, or coercion. Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another.
 - g. Effective consent cannot be given by minors, mentally disabled individuals or person's incapacitated as a result of drugs or alcohol.
 - h. If you have sexual activity with someone you know to be—or should know to be—mentally or physically incapacitated (by alcohol or other drug use, unconsciousness or blackout), you are in violation of this policy.
 - i. Incapacitation is a state where one cannot make a rational, reasonable decision because they lack the ability to understand the who, what, when, where, why or how of their sexual interaction.
 - j. 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. Possession, use and/or distribution of any of these substances, including Rohypnol, Ketomine, GHB, Burundanga, etc. is prohibited, and administering one of these drugs to another student for the purpose of inducing incapacity is a violation of this policy.
 - k. Use of alcohol or other drugs will never function to excuse behavior that violates this policy.
- Penetration means any degree of insertion, however slight, of the penis or any other material object into the vagina, anus or any bodily orifice.

- Sexual Contact is any touching of the sexual or intimate parts of the body.
- Alcohol/Substance Incapacitation means that a person is rendered incapable of appraising or controlling one's own or the other's conduct at the time of the alleged offense due to the use of alcohol or other substances. All individuals need to answer the questions who, what, when, why and how.
- Mental Disorder means that a person suffers from a mental disease or disorder that renders the person incapable of appraising the nature of a situation or the conduct of the other person.
- Mental Incapacitation means that a person is incapable of understanding and acting with discretion in the ordinary affairs of life.
- Physical Helplessness means that a person is unconscious, or for some reason is physically unable to communicate unwillingness to engage in an act.

OPTIONS FOR REPORTING AND/OR PRESSING CHARGES

- We encourage you to report this incident to one of the college staff members listed in this handbook whether you choose to involve the police or not. The counselors in the Linfield College Counseling Center, the College Chaplain or staff in the Student Health Center will keep your report confidential. These staff members will file an anonymous report with the Director of College Public Safety for statistical reporting.
- If the alleged respondent is a student of the College, you may choose to report this incident to one of the individuals listed below and ask them to investigate and take appropriate action based on that investigation. Specific procedures are listed below. While promptness in reporting is desirable, the case may be investigated as long as the respondent continues to be a student at the College.
- You can report what has happened to the local police. We strongly recommend that you provide all relevant information and evidence to the police as soon after the assault as possible. The police forward their report to the prosecutor's office. The prosecutor then determines whether or not there is sufficient evidence to proceed with the case. Their 24-hour number is 503-434-6500.
- The College's complaint procedure provides for immediate, thorough, and objective investigation of all claims of sexual misconduct or relationship violence. If sexual misconduct or relationship violence has occurred, the College will take appropriate remedial action that is commensurate with the severity of the offense.
- The College strictly prohibits retaliation against any person for using this reporting procedure, or for filing, testifying, assisting or participating in any manner in any investigation or proceeding involving allegations of discrimination or harassment. Any person

who violates this policy will be subject to discipline, up to and including termination if they are an employee, and/or dismissal if they are a student.

Retaliation Defined:

Retaliation is any action by any person that is perceived as: intimidating, hostile, harassing, retribution, or violent that occurred in connection to the making and follow-up of the report.

Title IX

Title IX of the Education Amendments of 1972 prohibits discrimination based on gender in educational programs which receive federal financial assistance. Title IX can apply in areas such as athletics, student recruitment and admissions, financial aid, scholarships, course offerings and access, employment, and housing and residential services. Title IX also protects students and employees, both male and female, from unlawful sexual harassment in school programs and activities, as well as sexual assault, which are forms of unlawful discrimination under Title IX.

Linfield has established a committee, consisting of a Title IX Coordinator and Deputy Coordinators, each of whom have specific knowledge to respond to concerns in the areas described above. Inquiries related to this policy can be directed to the following:

Title IX Coordinator:

Susan Hopp, Vice President of Student Affairs and Athletics/Dean of Students

Title IX Deputies:

Brenda De Vore Marshall, Professor Theatre & Communication Arts
Mary Ann Rodriguez, Vice President for Finance and Administration/CFO
Lisa Macy-Baker, Women's Tennis/NCAA Compliance Officer
Jeff Mackay, Associate Dean of Students/Director of Residence Life

ADDITIONAL INFORMATION

If you are the victim of sexual misconduct or relationship violence or know someone who has been subjected to sexual misconduct or relationship violence, the material in the following pages provides information about

- who can help you and how to contact those individuals,
- where to seek medical assistance and why,
- your options regarding what type of report, if any, you may wish to file, and information about the Linfield College conduct review process.

WHAT TO DO IF YOU HAVE BEEN ACCUSED OF SEXUAL MISCONDUCT OR RELATIONSHIP VIOLENCE

Do not attempt to contact the complainant(s)! The Dean of Students or the Associate Dean of Students will contact you and inform you about Linfield's Policy and Procedures. We encourage you to speak with a counselor in the Linfield College Counseling Center or the College Chaplain during this process.

LINFIELD COLLEGE SEXUAL MISCONDUCT AND RELATIONSHIP VIOLENCE REVIEW PROCEDURES

General Information

- Any member of the College community may initiate a case by filing a complaint with one of the following people:
 - Susan Hopp, Title IX Coordinator/Dean of Students, Melrose 110, (503-883-2278)
 - Jeff Mackay, Deputy Title IX Coordinator/Assoc. Dean/Director of Residence Life, Melrose 110, (503-883-2436)
 - Brenda DeVore Marshall, Deputy Title IX Coordinator, Ford Hall 105 (503-883-2290)
 - Mary Ann Rodriguez, Deputy Title IX Coordinator, Melrose 105A, 503-883-2458
 - Lisa Macy-Baker, Deputy Title IX Coordinator, HHPA Complex 205C (503-883-2710)
 - Ron Noble, Director of College Public Safety, Cozine, (503-883-2602)
- You may choose to have a friend, advisor, professor or administrator assist you in filing a complaint. Sexual Misconduct Response Advisors have been designated by the college to provide information about procedures and resources at Linfield and in the community. These individuals have been trained to assist you and can accompany you through the process should you choose to file a complaint. You may contact any of them directly. They are not protected by the legal definition of client/patient privilege, which does apply to professional counselors and clergy, but can give you information in person or over the phone. These individuals are listed in this handbook.
- If you wish, the College will attempt, where it is reasonably possible, to change the living and/or academic situation of the complainant or respondent to avoid a continuation of contact between the individuals.
- Sexual Misconduct and Relationship Violence Review Procedures are the same as noted in the Student Handbook, which apply to other alleged infractions of the Student Code of Conduct.

The Office of Student Affairs shall provide for the adequate, reliable, and impartial investigation of all complaints.

WHAT TO DO IF YOU HAVE EXPERIENCED SEXUAL MISCONDUCT OR RELATIONSHIP VIOLENCE

If you have been sexually assaulted, IT IS NOT YOUR FAULT!
YOU ARE NOT ALONE! YOU HAVE OPTIONS

Medical Clemency: If alcohol or any other drugs are involved with a sexual misconduct incident, the safety and well-being of students comes first and policy violations will not be issued.

WHO CAN HELP

The following people will assist and support you.

- If you are in immediate danger, need immediate assistance and help making additional contacts, **Crisis Response (24 hours):**
 - Linfield Area Director on Duty: 503-883-LIFE (5433)
 - Linfield College Public Safety (CPS): 503-883-SAFE (7233)
 - Yamhill County Crime Victim Services: 503-434-7510
 - Medical Emergency/Police: 911

 - If you choose to **Report with Total Confidentiality On Campus:**
 - Linfield Counseling Center, Walker 103: 503-883-2535 (8AM-5PM, Mon-Fri)
 - Linfield Student Health Center, Walker 103: 503-883-2535 (8AM-5PM, Mon-Fri)
 - Linfield Chaplain, Melrose 110: 503-883-2259 (8AM-5PM, Mon-Fri)

 - If you choose to **Report with Total Confidentiality Off Campus:**
 - Northwest Human Services Crisis Line (Anonymous): 1-800-560-5535
 - Henderson House Crisis Line (Anonymous): 503-472-1503

 - If you choose to **File a Police Report*:**
 - Linfield College Public Safety (CPS): 503-883-SAFE (7233) for assistance contacting police
- OR**
- McMinnville Police – 911 Emergency or 503-434-6500
- OR**
- Yamhill County Victim Assistance Program 503-434-7510 (M-F 8AM-5PM) or 503-434-6500 (Evenings/Weekend)

***Note:** If you choose to have evidence collected for the police report, you must go to the hospital for a FREE forensic medical exam from a trained Sexual Assault Nurse Examiner (SANE Nurse), if the rape or sexual misconduct occurred within the past 84 hours. If it has been longer than 84 hours, contact one of the people listed above or on the next page for additional information and assistance.

ADDITIONAL INFORMATION ABOUT WHO CAN HELP

If you have been sexually assaulted, IT IS NOT YOUR FAULT! You are not alone! You have options!

It's important that you find someone you trust to talk with for support, understanding, and to connect with resources. You may be feeling stunned and confused. Even after you've received medical attention and reported the misconduct (if you choose to do so), it's still important for your healing process to have someone to talk with.

Medical Clemency: If alcohol or any other drugs are involved with a sexual misconduct incident, the safety and well-being of students comes first and policy violations will not be issued.

In addition to the individuals listed previously, the following people have been trained to assist and support you.

McMINNVILLE RESOURCES

- **On Campus Area Directors** (All Area Directors are trained as Sexual Misconduct Advisors):
 - Sarah Burkhardt-Beckley: 503-883-5297, Mahaffey
 - Andy Frei: 503-883-5356, Mahaffey
 - Delane Hein: 503-883-5388, Mahaffey
 - Esperance Ibuka: 503-883-5390, Mahaffey
 - For immediate response call the AD Cell Phone 503-883-5433 (LIFE)
- **On Campus Sexual Misconduct Advisors**
 - Stephen Bricher: 503-883-2260, Graf 110
 - Brenda DeVore Marshall: 503-883-2290, Ford T105
 - Dan Ferguson: 503-883-2435, Riley 301
 - Dawn Graff-Haight: 503-883-2641, HHPA 214
 - Kristi Mackay: 503-883-2606, Melrose Hall
- **Misconduct Report Form**
 - Print: <http://www.linfield.edu/campussafety/safety-forms.html>
 - Copies available at: Cozine Hall, Melrose 110, Riley CIC, Walker 124 and Withnell Commons

PORTLAND RESOURCES

- **Legacy Security** 503-413-7911
- **24 Hour, Off Campus Reporting Options**
 - Non Emergency Police/Fire: 503-823-3333
 - Portland Police Sexual Assault Detail: 503-823-0434
 - Portland Women's Crisis Line: 1-888-235-5333
 - Sexual Assault Resource Crisis Line: 503-640-5311
- **Sexual Misconduct Advisors**
 - Lisa Burch: 503-413-7561, Loveridge Hall, 1st floor
 - Mindy Cowan: 503-413-7832, Loveridge Hall, 1st floor
 - Josh Merrick: 503-413-7212, Loveridge Hall, 1st floor

ADULT DEGREE RESOURCES

- **Northwest Human Services Crisis Line (anonymous)** 1-800-560-5535
- **Local Police Department**
- **County Victim Services Department**
- **Dean of Students Office** 503-883-2278

PORTLAND RESOURCES, continued

- **Free & Confidential Counseling Sessions** (8 per student)
 - Counseling Center: 503-413-7873, Peterson Hall 319
 - Off Campus: 503-352-2400

- **Misconduct Report Form**
 - Print: <http://www.linfield.edu/campussafety/safety-forms.html>
 - Copies available at: Student Life in Loveridge Hall, Campus Operations in Peterson Hall 302

SEEK MEDICAL ASSISTANCE

We urge you to consider seeking medical assistance. You may do this at the Hospital Emergency Room or at the Linfield Student Health Center (see hours listed above). For your physical well-being, it is important that you undergo a medical examination as soon as possible after the assault! This will include tests for HIV, STIs, and pregnancy. The forensic medical exam is also important to gather evidence in support of a charge of rape or sexual assault. If you think you were drugged, tell the person completing your medical exam. While your first desire may be to “clean up,” you are encouraged not to douche, bathe, eat, drink, smoke, or change clothes before you go for an exam. Bring a change of clothing with you. The Emergency Room has a specific protocol to follow called a SAFE (Sexual Assault Forensic Examination) Kit that includes semen collection, saliva samples, hair combs and other tests (as appropriate), which will help you if you decide to take legal action against your assailant. If any clothing worn during the sexual assault is removed, place it in a paper bag and take it with you to the hospital.

OFF-CAMPUS McMinnville Resources

Henderson House: ALL SERVICES ARE CONFIDENTIAL. We provide a 24-hour crisis line, information and referrals, crisis counseling, hospital accompaniment, safe shelter, court advocacy, and support groups. YOU DO NOT NEED TO FILE A REPORT TO RECEIVE SERVICES. Call 503.472.1503 (24-hour).

Yamhill County Victim Assistance Program: You may call our office anonymously or come into the office and tell us your story. We will believe you and offer you emotional support and information regarding the options available to you. We will explain what may happen depending on what you choose to do with the information regarding the sexual assault. We offer advocacy throughout the legal process if and when a police report is filed. We do not offer legal advice, we offer empowerment. Call 503.434.7510 (M - F, 8:00 am - 5:00 pm).

- Standard for Determining Responsibility

The standard used to determine accountability will be by a preponderance of the evidence: whether it is more likely than not that the alleged perpetrator has violated the Sexual Misconduct and Relationship Violence Policy. All members of the College community found to have violated this policy will be disciplined up to dismissal from the College. Sanctions will not be lessened because the offense was committed with an acquaintance or while on a date.

- The General Rights of Complainants and Respondents

The Complainant's Rights:

- a. An explanation of available options for redress,
- b. Freedom from harassment by the accused (or the supporters),
- c. Use of all available internal and external support services in dealing with the aftermath of the offense,
- d. Ability to speak on their own behalf during the conduct proceedings, including making a "survivor impact" statement to a College Conduct Board,
- e. The presence of an advisor from the College community and/or a support person during the hearing, or the presence of one non-campus advisor who can observe and support the complainant but cannot speak for the complainant and may not question the board, witnesses or other participants,
- f. The opportunity to present witnesses who can speak about the charges, character witnesses excluded,
- g. Attend the entire conduct hearing except for the deliberation phase,
- h. Testify on his/her own behalf,
- i. Freedom from having irrelevant sexual history discussed during the conduct hearing,
- j. Information about the outcome of the conduct hearing, and
- k. Opportunity to appeal the outcome of the hearing.

The Respondent's Rights:

- a. An explanation of the charge(s),
- b. Freedom from harassment by the complainant (or supporters),
- c. An explanation of the College conduct system,
- d. The presence of an advisor from the College community, or the presence of one non-campus advisor who can observe and support the respondent but cannot speak for the complainant and may not question the board, witnesses or other participants,
- e. Testify on his/her own behalf,
- f. Present witnesses who can speak about the charges, character witnesses excluded,

- g. Attend the entire conduct hearing except for the deliberation phase,
- h. Freedom from having irrelevant sexual history discussed during the conduct hearing,
- i. Information about the outcome of the conduct hearing, and
- j. Opportunity to Appeal the outcome of the hearing.

The Office of the Dean of Students is responsible for:

- a. Ensuring that both the complainant and the respondent accused of misconduct, harassment, or retaliation are aware of the seriousness of the complaint.
- b. Explaining the College's sexual misconduct and relationship violence policy and investigation procedures.
- c. Making referrals to the Counseling Center for counseling and referral services, if appropriate.
- d. Discussing with the complainant the option of notifying the police if criminal activities are alleged.
- e. Conducting or arranging for an investigation of the alleged prohibited conduct.
- f. Preparing or overseeing any reports, recommendations, or remedial action(s) that are needed or warranted to resolve any prohibited conduct.
- g. Assuring that each complaint will be assessed and resolved individually.

The Hearing Process

If a complaint is filed with the College Conduct Board, the process for adjudication is as follows. This procedure applies to complainants of sexual misconduct or relationship violence as well as respondents of sexual misconduct or relationship violence.

1. The respondent(s) shall be notified by an appropriate official of the College that s/he is accused of violating the sexual misconduct and relationship violence policy.
2. The student(s) shall be notified that s/he may elect one of three courses of action:
 - a. The student(s) may admit the alleged violation and request that the Dean of Students take whatever action seems appropriate.
 - b. The student(s) may admit the alleged violation, and request a hearing before the College Conduct Board.
 - c. The student may deny the alleged violation, in which case a hearing will be held by the College Conduct Board.
3. During the hearing, the complainant(s) and the respondent(s) may be separated physically. Typically, a physical barrier

may be used to eliminate any visual contact if requested by any party. Video conferencing may also be used as a way to attend the hearing electronically.

4. Both complainant and respondent shall be entitled to an expeditious hearing of the case.
5. The hearing shall be of an informal nature and need not adhere to formal rules of procedure or technical rules of evidence followed by courts of law.
6. Following notification prior to the hearing both the complainant and the respondent shall be entitled to the following:
 - a. written notification of the time and place of the hearing,
 - b. written statement of the charges of sufficient specificity to enable the respondent(s) to prepare a defense,
 - c. a copy of the procedures as outlined here.
7. Both the complainant(s) and the respondent(s) shall be entitled to appear in person, to present his/her/their view of what took place to the College Conduct Board, and may call witnesses in his/her/their behalf. Either of these persons may also elect not to appear before the College Conduct Board. Should she/he elect not to appear, the hearing shall be held in his/ her/their absence.
8. Both the complainant(s) and the respondent(s) shall be entitled to assistance from any member of the College community: faculty, staff, or student. Both the complainant(s) and the respondent(s) may bring one off-campus advisor who may observe and support but cannot speak for the respondent or complainant and may not question the board, witnesses or other participants.
9. Both the complainant(s) and the respondent(s) or his/her/their on-campus advisor shall be entitled to ask questions of the conduct review body or any witness.
10. Both the complainant(s) and the respondent(s) shall be entitled to refuse to answer questions.
11. An audio record of the hearing shall be made and provided to the Dean of Students, for the purpose of hearing appeals and will be destroyed following all appeals
12. Both parties and all other non-members of the conduct review body shall be excused when the Board deliberates on its decision. That decision will be presented in writing to the Dean of Students, who will in turn notify both parties in writing of the conduct review decision. Notification of decision shall be accomplished by requesting that each party appear separately at an appointed time at the Dean's office. If either party does not appear at the appointed time, notification will be accomplished by mail.

Sexual Misconduct Appeals

Any student having been accused of sexual misconduct or relationship violence and having had a hearing before the College Conduct Board may appeal the decision. The complainant may also appeal the decision. Any student wishing to appeal must lodge a statement in writing to the Dean of Students. Such an appeal must be lodged within seven days of notification of the original decision. The written appeal should present specific information as to the reason for the appeal. Appeals may be submitted under two conditions.

1. The conduct procedures outlined in the Student Handbook were not followed during the student's original hearing, or
2. New and significant evidence is available which was unknown and could not have been known at the time of the hearing.

The severity of sanction is not considered a legitimate ground for an appeal. Only one appeal is allowed per student involved.

The Dean of Students will review the written appeal and other pertinent information and will notify the student in writing of the Dean's decision.

Guidelines for the Sexual Misconduct and Relationship Violence Hearings

In order to provide equity and efficiency in the administration of conduct review procedures, the following guidelines have been created. These guidelines should be interpreted in light of the philosophy and procedures stated above. If there is more than one complainant or more than one respondent for a specific incident, the cases may be considered separately.

The hearing shall be conducted in accordance with the following general format.

1. The chairperson shall inform all parties involved of the procedure to be followed at the hearing.
2. The chairperson shall then read the charges against the respondent and shall ask that individual if s/he understands the charges and whether or not s/he concurs with them. If the respondent concurs, the College Conduct Board shall then consider the charges as accurate and hear any information that the respondent may present in mitigation or explanation.
3. If the respondent does not concur, the College Conduct Board shall then hear the evidence in support of the charges. The complainant may present these or may ask a Sexual Misconduct Response Advisor to do so in her/his behalf. After presentation of the evidence in support of the charges the respondent shall have the opportunity to:
 - a. present evidence in refutation of any or all the charges,
 - b. present any other relevant information,
 - c. question witnesses testifying in support of the charges.

4. Both the complainant (or her/his proxy) and the respondent may ask questions of the College Conduct Board members. Members may ask questions of the student charged as well as of any witness testifying at the hearing. Off-campus advisors may not enter into discussion, ask questions or make comments during the hearing.
5. The students and all other non-members of the College Conduct Board will be excused, except the Dean of Students or designee who is to be consulted concerning penalty.
6. The College Conduct Board will deliberate and formulate its findings and recommendations.

Findings and Recommendations

The standard of proof required in student discipline cases is based on the preponderance of the evidence.

After hearing a case, the College Conduct Board may decide as follows:

1. Not responsible for a violation: No violation of a regulation has been proved.
2. Responsible for a violation: A violation of a regulation has been proved. In this case, the Board may impose a number of sanctions, individually or in a combination, including:
 - a. warning: an official reprimand in writing, delivered to the accused student and placed in the student's file;
 - b. probation: a condition that stipulates that any further violations of regulations may result in a suspension. Length of probation will be specified;
 - c. probation with terms: a condition that adds to regular probation stipulations that may deny the accused student certain privileges or requires certain action of him/her;
 - d. recommendation for suspension: separation from the College for a definite or indefinite period of time;
 - e. recommendation for dismissal: permanent separation from the College; and/or
 - f. other action that may seem appropriate for any given case.Sanctions against groups include those listed above in a-f, and also deactivation, loss of all privileges, including college recognition, either temporarily or permanently.

Responsibilities of the Chairperson

The chairperson of the College Conduct Board or the Dean of Students' designee has the following responsibilities:

1. To notify both the complainant and the respondent of charges brought and to provide each party with a copy of the College's Sexual Misconduct and Relationship Violence Policy and Procedures;

2. To make all arrangements for the hearing, including time, place, notification of persons involved, and a record of the hearings (Secretarial support will be provided by the executive secretary to the Dean of Students);
3. To decide all procedural matters during the hearing in accordance with established written guidelines and normal due process;
4. To control the conduct of the hearing with authority to exclude any person who refuses to comply with the rules or determinations of the chairperson;
5. To prepare or cause to be prepared in writing the findings and recommendations of the College Conduct Board, and to deliver them to the Dean of Students within 48 hours of the hearing.

Post Hearings

The findings and recommendations of the College Conduct Board will be presented in writing to the Dean of Students within 48 hours unless the decision is a recommendation of suspension of the accused, which must be made within a 24-hour period.

Confidentiality

- Both the content and the outcome of a hearing shall be considered confidential and no member of the College Conduct Board shall discuss a student's role in an incident except with other members of the College Conduct Board.
- The right of the College community to have knowledge of the work of the Board shall be met through the releases of summary outcomes of cases that do not mention the names of individuals.
- In certain cases, the public nature of the violation of regulations or the student's own public admission of guilt may bring attention to a case, but this does not alter the confidentiality of the conduct review proceedings.

Presidential Prerogative

As the final administrative authority for the College, the President has and must have the authority to act without consultation with any other person or conduct board and to suspend or expel any student who is acting in a manner which the President feels is contrary to and of a dangerous character to the College as an institution or to persons belonging to or associated with the College Community.

Anti-harassment

Policy Statement

It is the policy of Linfield College to maintain a work and academic environment free from harassment for its employees, students, visitors,