



**PALMER**  
College of Chiropractic

Policy & Procedures Handbook  
for the Resolution of  
Sexual Misconduct Complaints

Sex Discrimination  
Sexual Harassment  
Sexual Violence



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As changes occur, the most up-to-date information can be found online at:  
<http://www.palmer.edu/students/resources-offices/handbook-policies/>

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# PART I: POLICY

## **CHAPTER 1: INTRODUCTION**

This handbook contains the College’s policy and procedures for the resolution of sexual misconduct issues. Sexual misconduct consists of a range of behaviors including sexual harassment, sexual assault, sexual violence, sexual exploitation, stalking and bullying, as defined in Chapter 4 of this handbook (“sexual misconduct”). An act of sexual misconduct represents a fundamental failure to respect the intrinsic worth and dignity of another individual that will not be tolerated.

All members of the Palmer College community should be free from sexual misconduct impacting the educational or workplace environment. The College seeks to foster a climate free from sexual misconduct through a coordinated education and prevention program, clear and effective policies, as well as investigative and complaint procedures that are prompt, equitable and accessible to all.

In response to any reported sexual misconduct, the College will take appropriate steps to assess and investigate such report in accordance with the provisions of this handbook. Where prohibited conduct is found to have occurred, the College will take appropriate actions to eliminate any misconduct, prevent its recurrence and remedy its effects.

This handbook:

- > Articulates behavioral expectations and defines prohibited sexual misconduct;
- > Identifies resources and support available to members of the College community impacted by sexual misconduct;
- > Identifies the College’s Title IX coordinator, deputy coordinators, and their roles;
- > Describes the sexual misconduct reporting process; and
- > Describes the review, investigation and resolution process for reports of sexual misconduct.

## **CHAPTER 2: NOTICE OF NONDISCRIMINATION**

The College is committed to establishing and maintaining an environment free of any form of legally prohibited discrimination or harassment for all College community members, as well as those associated with or conducting business with the College. The College prohibits discrimination on the basis of age, ancestry, citizenship status, color, creed, disability, national origin, race, religion, sex, sexual orientation, gender identity, veteran status or other legally protected status.

Sexual misconduct, as defined in this handbook, violates College policy and may be a form of sex discrimination that violates applicable law. It includes conduct prohibited by Title IX of the Education Amendments of 1972, which states:

“No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Sexual Misconduct is also prohibited under Title VII of the Civil Rights Act of 1964; the Violence Against Women Reauthorization Act of 2013 (“VAWA”); the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (“Clery Act”); Iowa Civil Rights Act, Davenport Civil Rights Ordinance, Chapter 760 of Florida Statutes, California Fair Employment and Housing Act, California Education Code and/or Illinois Human Rights Act.

## A. Scope and Jurisdiction

1. This policy applies to all members of the College community, including students and employees. It is a violation of this policy for any employee, student or third party to engage in sexual misconduct impacting an employee, student or any other individual associated or conducting business with the College.
2. A person who is alleged to have been subjected to sexual misconduct is referred to in this handbook as the complainant.<sup>1</sup> A person against whom a complaint of sexual misconduct is filed is called a respondent. The term filer refers to any member of the Palmer College community who submits a complaint alleging sexual misconduct.
3. Applicable laws and governmental guidance mandate that the College provide for prompt and appropriate resolution of complaints of sexual misconduct. Accordingly, this policy handbook shall govern all such complaints, including complaints that may also arise under collective bargaining agreements, faculty handbooks, employee handbooks, the Student Code of Ethics or other College processes and procedures for complaint resolution.
4. Members of the College community are required to comply with College policies and local, state and federal law related to sexual misconduct.

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<sup>1</sup> The term “complainant” is used consistent with guidance issued by the Office of Civil Rights within the U.S. Department of Education, and does not necessarily indicate that the impacted individual submitted a complaint of sexual misconduct.

5. This policy applies to sexual misconduct involving College community members that occurs on or off College premises, including online activities.
6. Sexual misconduct, including sexual harassment, can occur:
  - a. Between peers (e.g., student to student, staff to staff, faculty to faculty)
  - b. Between persons of unequal power status (e.g., supervisor to subordinate, faculty to student, coach to student-athlete, student leader to student). Sexual misconduct may be committed by the person who appears to have less power in a relationship (e.g. student to faculty member).

## B. Coordination with Equal Opportunity Policy

A complaint of discrimination or harassment related to an individual's sex can sometimes occur in conjunction with a complaint of misconduct on the basis of age, ancestry, citizenship status, color, creed, disability, national origin, race, religion, veteran status or other characteristic protected by applicable law. Under these circumstances, the College will coordinate the review, investigation and resolution efforts to collectively address all the reported discrimination/harassment complaints.

## CHAPTER 3: PROGRAM RESPONSIBILITY

### Title IX Coordinator and Deputy Coordinators – Davenport Campus

The Title IX Coordinator and deputies with administrative oversight are responsible for the administration, coordination, dissemination and implementation of the policy set forth in this Handbook.

### Davenport Campus

Earlye Adams Julien, PHR, M.S. Ed.  
Senior Director for Compliance  
Also Serving as Title IX Coordinator  
Office of Compliance  
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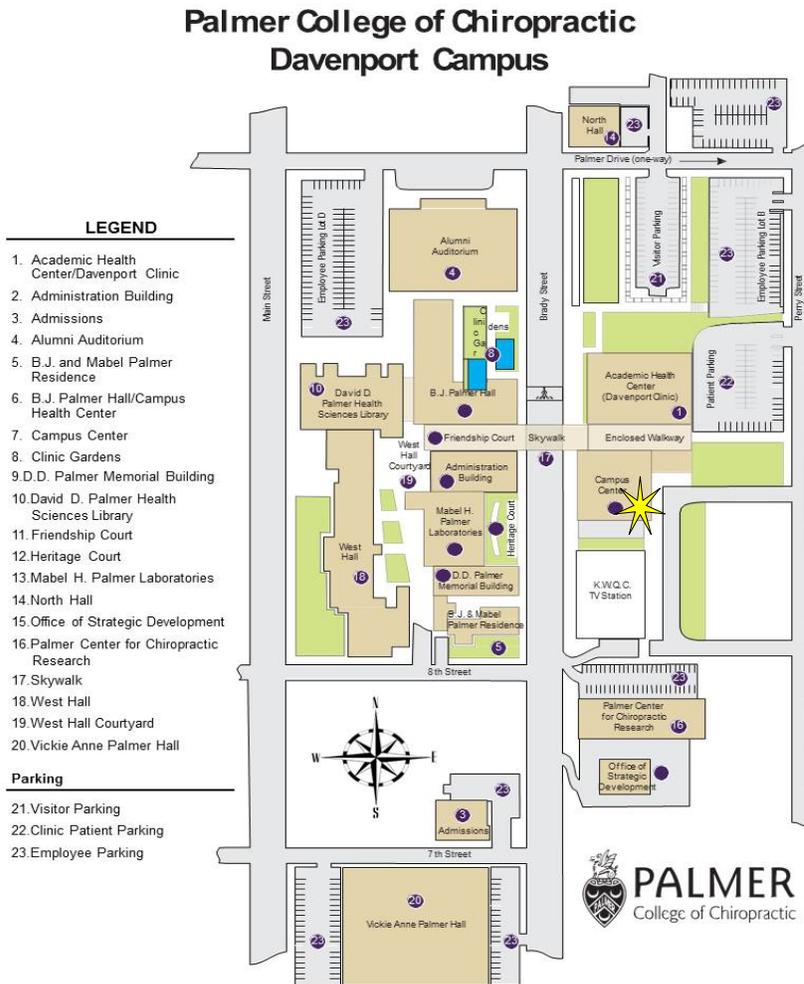
Lori Larsen, B.A.  
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Kevin Cunningham, D.C., Ph.D.  
Vice Chancellor for Student Affairs  
Also Serving as Deputy Title IX Coordinator  
for Athletics and Scholarships  
Office of Student Affairs  
1000 Brady Street  
Davenport, IA 52803  
(563) 884-5898  
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## Location of Title IX Coordinator and Deputies – Davenport Campus

The Title IX coordinator is located in the Campus Center, 4<sup>th</sup> floor. The deputy Title IX coordinator is located in the Campus Center, 3<sup>rd</sup> floor. The deputy Title IX coordinator for Athletics and Scholarships is located in the Campus Center, 3<sup>rd</sup> floor.

Office Hours are Monday-Friday 8 a.m. to 4:30 p.m. CST.



## Title IX coordinator and Deputy Coordinators – San Jose Campus

### San Jose Campus

Duane Rohrbacher, Ph.D., J.D., Director  
Office of Student Academic Affairs  
Also Serving as Deputy Title IX Coordinator  
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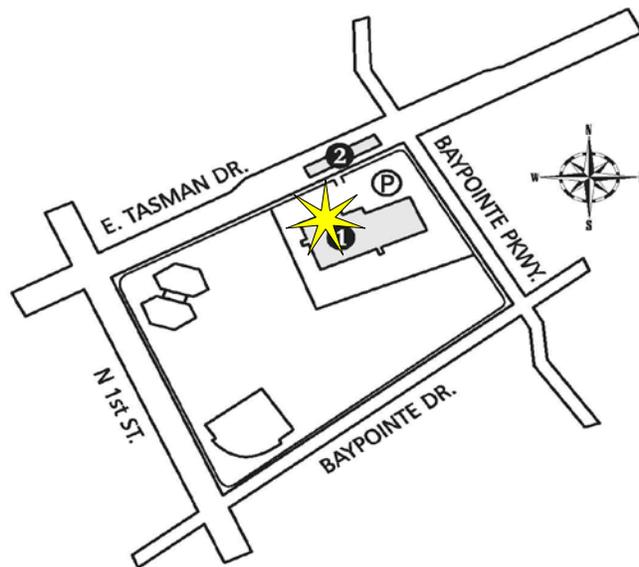
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## Location of Deputy Title IX Coordinator– San Jose Campus

The deputy Title IX coordinator on the San Jose campus is located in Student Services.

Office Hours are Monday-Friday 8 a.m. to 4:30 p.m. PST.



1. Palmer College of Chiropractic, West Campus
2. Baypointe Station, Light rail

## Title IX coordinator and Deputy Coordinators – Port Orange Campus

### Port Orange Campus

Cheryl Shaw, PHR, M.B.A.  
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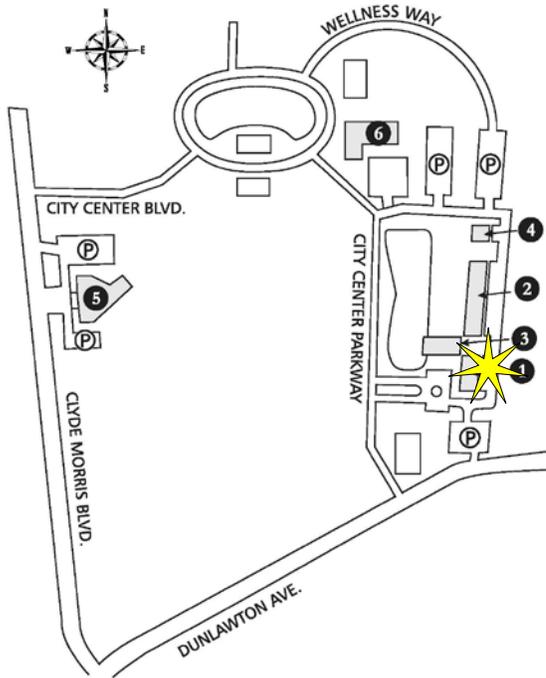
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## Location of the Deputy Title IX Coordinator– Port Orange Campus

The deputy Title IX coordinator on the Port Orange campus is located in Building 2, Human Resources Department.

Office Hours are Monday-Friday 8 a.m. to 4:30 p.m. EST.



1. Building One
2. Building Two
3. Building Three
4. Central Energy Plant
5. Allen Green Civic Center
6. Port Orange YMCA

## CHAPTER 4: PROHIBITED SEXUAL MISCONDUCT & DEFINITIONS

The College prohibits sexual misconduct by or against any member of the College community. Sexual misconduct consists of a range of unacceptable behaviors that could impact the employment or educational environment. The following identifies behaviors that violate the College's Sexual Misconduct Policy.

**Sexual misconduct** is a broad term that includes but is not limited to:

- > Sexual harassment;
- > Non-consensual sexual contact;
- > Non-consensual sexual intercourse;
- > Sexual violence;
- > Sexual exploitation;
- > Stalking and cyber-stalking;
- > Bullying and cyber-bullying;
- > Other misconduct behaviors that are sex or gender based;
- > Aiding or facilitating sexual misconduct; and
- > Retaliation.

Consistent with the values of an educational and employment environment free from discrimination based on sex, the College also prohibits gender-based harassment, which may include acts of verbal, nonverbal, or physical aggression, intimidation, or hostility, based on sex or sex-stereotyping, even if those acts do not involve conduct of a sexual nature.

### A. Sexual Harassment

#### 1. Definition of Sexual Harassment

Sexual harassment is any unwelcome sexual advance, request for sexual favors, or other unwelcome verbal or physical conduct of a sexual nature when:

- a. Submission to or rejection of such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment, education or participation in social or extracurricular activities;

- b. Submission to or rejection of such conduct by an individual is used as the basis for employment or educational decisions affecting the individual; or
- c. Such conduct has the purpose or effect of unreasonably interfering with an individual's work or education by creating an intimidating, hostile, humiliating, demeaning, or offensive environment. The effect will be evaluated based on the perspective of both the complainant and a reasonable person in the position of a complainant.
- d. A single or isolated incident of prohibited behavior may create a hostile environment if the incident is sufficiently severe. The more severe the conduct, the fewer number of incidents are necessary to establish a hostile environment, particularly if the harassment is physical.

## 2. Forms of Prohibited Sexual Harassment

In some cases, sexual harassment is obvious and may involve an overt action, a threat or reprisal. In other instances, sexual harassment is subtle and indirect, with a coercive aspect that is unstated.

- a. Sexual harassment can take many forms:
  - (i) It can occur between peers (e.g., student to student, staff to staff, faculty to faculty) or between persons of unequal power status (e.g. supervisor to subordinate, faculty to student, coach to student-athlete, student leader to student). Although sexual harassment often occurs between individuals with unequal power, a person who appears to have less power in a relationship can also commit sexual harassment (e.g., student harassing faculty member).
  - (ii) It can be committed by an individual or may be a result of the collective actions of an organization or group.
  - (iii) It can be committed against an individual, an organization or a group.
  - (iv) It can be committed by an acquaintance, a stranger, or someone with whom the complainant has a personal, intimate or sexual relationship.

- (v) It can occur by or against an individual of any sex, gender identity, or sexual orientation.
  - (vi) It does NOT have to include intent to harm, be directed at a specific target, or involve repeated incidents.
- b. Examples of behavior that would constitute misconduct include, but are not limited to:
- (i) Unwelcome sexual innuendo, propositions, sexual attention or suggestive comments and gestures; humor and jokes about sex or gender-specific traits; sexual slurs or derogatory language directed at another person's sexuality or gender; insults and threats based on sex or gender; and other oral, written or electronic communications of a sexual nature that is unwelcome;
  - (ii) Written graffiti or the display or distribution of sexually explicit drawings, pictures, written materials or objects; sexually charged name-calling; sexual rumors or ratings of sexual activity/performance; the circulation, display, or creation of emails or websites of a sexual nature;
  - (iii) Display or circulation of written materials or pictures degrading to an individual or gender group;
  - (iv) Unwelcome physical contact or suggestive body language, such as touching, patting, pinching, hugging, kissing, or brushing against an individual's body;
  - (v) Undue and unwanted attention, such as repeated inappropriate flirting, inappropriate or repetitive compliments about clothing, accessories or physical attributes, staring, or making sexually oriented gestures;
  - (vi) Physical coercion or pressure placed upon an individual to engage in sexual activity or punishment for a refusal to respond or comply with sexual advances;
  - (vii) Change of academic or employment responsibilities (e.g., increase in difficulty or decrease of responsibility) based on sex, gender identity, or sexual orientation;

- (viii) Use of a position of power or authority to: (a) threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting harassment; or (b) promise rewards in return for sexual favors;
- (ix) Abusive, disruptive or harassing behavior, verbal or physical, which endangers another's mental or physical health, including but not limited to threats, acts of violence, or assault based on sex, gender and/or in the context of intimate partner violence;
- (x) Demeaning verbal or other expressive behavior of a sexual or gender-based nature in instructional settings; and
- (xi) Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping. Harassment for exhibiting what is perceived as a stereotypical characteristic for one's sex, or for failing to conform to stereotypical notions of masculinity and femininity, regardless of actual or perceived sexual orientation or gender identity of the harasser or target.

## B. Non-Consensual Sexual Contact

Non-consensual sexual contact refers to any intentional sexual touching, however slight, with any part of the body or an object, by a man or a woman upon a man or a woman that is without consent and/or by force.

**Sexual Contact** includes kissing, touching the intimate parts of another, causing the other to touch one's intimate parts, or disrobing of another without permission. Intimate parts may include the breasts, genitals, buttocks, groin, mouth or any other part of the body that is touched in a sexual manner.

## C. Non-Consensual Sexual Intercourse

Non-consensual sexual intercourse refers to any sexual intercourse, however slight, with parts of the body or any object, by a man or woman upon a man or a woman that is without consent and/or by force.

**Sexual Intercourse** includes vaginal penetration by a penis, object, tongue or finger, anal penetration by a penis, object, tongue, or finger, and oral copulation (mouth to genital contact or genital to mouth contact), no matter how slight the penetration or contact.

#### D. Sexual Violence

Sexual violence refers to physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent. This includes rape, sexual assault, battery and sexual coercion.

Sexual violence may involve individuals who are known to one another or have an intimate and/or sexual relationship (e.g. domestic violence, dating violence) or may involve individuals not known to one another. Examples include, but are not limited to:

1. Having or attempting to have sexual intercourse as defined above with another individual.
2. Having or attempting to have sexual contact as defined above with another individual.

#### E. Sexual Exploitation

Sexual exploitation refers to an act or acts committed through non-consensual abuse or exploitation of another person's sexuality for the purpose of sexual gratification, financial gain, personal benefit or advantage or any other non-legitimate purpose. The act or acts of sexual exploitation are prohibited even though the behavior does not constitute one of the other sexual misconduct offenses. Sexual exploitation may involve individuals who are known to one another, have an intimate or sexual relationship, and/or may involve individuals not known to one another.

Examples include, but are not limited to:

- > 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;
- > Non-consensual streaming or transmitting of images; photographing; video or audio recording of sexual activity; nudity; or distribution of such without the knowledge and consent of all parties involved;
- > Prostituting another individual;
- > Knowingly exposing another individual to a sexually transmitted disease or virus without his or her knowledge;
- > Inducing incapacitation for the purpose of making another person vulnerable to non-consensual sexual activity;

- > Exposing one's genitals in non-consensual circumstances; and
- > Inducing another to expose their genitals.

## F. Stalking and Cyber-Stalking

The term "stalking" refers to extreme or repeated conduct involving unwanted attention, harassment, physical or verbal contact, or any other course of conduct directed at an individual that could be reasonably regarded as likely to alarm or place that individual in fear of harm or injury, including physical, emotional, or psychological harm. Stalking is not only a form of sexual misconduct but also a type of harassment which may be based upon other legally protected classes.

Stalking includes cyber-stalking, a particular form of stalking in which electronic media such as the internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass or make unwelcome contact with another person.

This can be done through email, instant messaging, text messages, web pages, chat rooms, or even interactive game sites.

Stalking and cyber-stalking may involve individuals who are known to one another or have an intimate or sexual relationship, or may involve individuals not known to one another.

## G. Bullying and Cyber-Bullying

The term "bullying" refers to extreme or repeated verbal, physical, social or psychological behavior that is harmful and involves the misuse of power by an individual or group towards one or more persons.

Bullying is unwanted attention, harassment, physical or verbal contact, or any other course of conduct directed at an individual that could be reasonably regarded as likely to alarm or place that individual in fear of harm or injury, including physical, emotional, or psychological harm.

Bullying can include, but is not limited to, humiliation, intimidation and belittlement. Bullying is not only a form of sexual misconduct but also a type of harassment which may be based upon other legally protected classes.

Bullying includes cyber-bullying, a particular form of bullying in which electronic media such as the internet, social networks, blogs, cell phones, texts or other similar devices or forms of contact are used to pursue, harass or make unwelcome contact with another person or persons. This can be

done through email, instant messaging, text messages, web pages, chat rooms, or even interactive game sites.

Cyber-bullying includes but is not limited to:

- > Sending mean, threatening or harassing messages to another person or persons as described in the preceding paragraph.
- > Spreading lies and rumors about others as described in the preceding paragraph;
- > Posting pictures without the consent of the individual;
- > Tricking someone into revealing their personal information and sending it to others;
- > Creating websites, polls, or blogs about others that embarrass or hurt those persons; and
- > Recording conversations or videos without the individual's consent and then posting it online.

## H. Other Misconduct When Sex or Gender-based

Other misconduct behaviors will fall under Title IX when sex or gender-based. Examples include, but are not limited to:

1. Threatening or causing physical harm, extreme verbal abuse, or other conduct which threatens or endangers the health or safety of any person;
2. Discrimination, defined as actions that deprive other members of the community of educational or employment access, benefits or opportunities;
3. Intimidation, defined as implied threats or acts that cause an unreasonable fear of harm in another;
4. Hazing, defined as acts likely to cause physical or psychological harm or social ostracism to any person within the College community, when related to the admission, initiation, pledging, joining, or any other group-affiliation activity (as defined further in the Hazing Policy);
5. Violence between those in an intimate relationship to each other.

## I. Aiding or Facilitating

Sexual misconduct includes aiding, facilitating, promoting or encouraging the behaviors prohibited by this Handbook. Aiding or facilitating may also include failing to take action to prevent an imminent act when it is reasonably prudent and safe to do so.

## CHAPTER 5: CONSENT

### A. consent, coercion, force, incapacitation and use of alcohol and other drugs

- 1.** Consent is affirmative, conscious and voluntary. Consent means affirmative, conscious and voluntary agreement by the parties to engage in sexual activity. It is the responsibility of each person involved in the sexual activity to ensure that he or she has the affirmative consent of the other or others to engage in the sexual activity.
- 2.** Silence is not consent. Lack of protest or resistance does not constitute consent, nor does silence constitute consent. Consent consists of an outward demonstration indicating that an individual has agreed to engage in sexual activity. Consent is demonstrated through mutually understandable words and/or actions that clearly indicate a willingness to engage in sexual activity. Relying on non-verbal communication can lead to misunderstandings. Consent may not be inferred from silence, passivity, lack of resistance or lack of active response. A person who does not physically resist or verbally refuse sexual activity is not giving consent. In the absence of an outward demonstration, consent does not exist. If at any time it is reasonably apparent that either party is hesitant, confused or uncertain, both parties should stop and obtain mutual verbal consent before continuing sexual activity.
- 3.** Affirmative consent must be ongoing throughout a sexual activity. 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 contact does not constitute consent to other forms of sexual contact. For example, an individual may agree to kiss but choose not to engage in fondling or sexual intercourse. An individual should obtain consent before moving from one act to another.
- 4.** Consent can be revoked by either party at any time. Once withdrawal of consent has been expressed, sexual activity must cease.

5. A current or previous dating or sexual relationship, by itself, is not sufficient to constitute consent. The existence of a dating relationship between the persons involved, or the fact of past sexual relations between them, should never by itself be assumed to be an indicator of consent. Even in the context of a relationship, there must be mutually understandable communication that clearly indicates willingness to engage in sexual activity each time such activity occurs.
6. Consent is not effective if it results from the use or threat of physical force, intimidation, or coercion, or any other factor that would eliminate an individual's ability to exercise his or her own free will to choose whether or not to have sexual contact. Coercion includes the use of pressure and/or oppressive behavior, including express or implied threats of harm, severe and/or pervasive emotional intimidation, which places an individual in fear of immediate or future harm or physical injury or causes a person to engage in unwelcome sexual activity. A person's words or conduct amount to coercion if they wrongfully impair the other's freedom of will and ability to choose whether or not to engage in sexual activity.
7. There is no requirement that an individual resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of force is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition non-consensual.
8. An individual who is incapacitated is not able to make rational, informed judgments and therefore is incapable of giving consent. Incapacitation is the inability, temporarily or permanently, to give knowing consent, because the individual is mentally and/or physically impaired due to drug or alcohol consumption, either voluntarily or involuntarily, or the individual is unconscious, asleep or otherwise unable to understand or is unaware of what is occurring. In addition, an individual is incapacitated if he/she is unaware of where they are, how they got there, or why or how they became engaged in a sexual interaction. Some indicators of incapacitation may include, but are not limited to, lack of control over physical movements, lack of awareness of circumstances or surroundings, or the inability to communicate for any reason. An individual may experience a blackout state in which he/she appears to be giving consent, but does not actually have conscious awareness or the ability to consent. It is especially important, therefore, that anyone engaging in sexual activity be aware of the other person's level of intoxication. The relevant standard that will be applied is whether the respondent knew,

or a sober reasonable person in the same position should have known, that the other party was incapacitated and therefore could not consent to the sexual activity.

9. Providing alcohol and other drugs to another person. Alcohol and other drugs can lower inhibitions and create an atmosphere of confusion over whether consent is freely and affirmatively given. Providing alcohol or other substances to another person, without their knowledge or for the purpose of incapacitation and sexual activity, is a violation of this policy.
10. An individual is never at fault for being sexually assaulted. The personal use of alcohol and other drugs never makes someone at fault for being sexually assaulted.

A primary concern of the College is the safety of its community members. Sometimes students, in particular, are reluctant to report instances of sexual misconduct because they fear being charged with policy violations such as the Institutional Policy on Drug and Alcohol Use (on the College's website at <http://www.palmer.edu/students/resources-offices/handbook-policies/>). Any student who either participates as a complainant or a witness in a sexual misconduct investigation, will generally not be subject to disciplinary sanctions for a related violation of the College's Student Code of Ethics occurring at or near the time of the reported incident. No discipline will be issued unless the College determines that the violation was egregious, such as an action that places the health or safety of any other person at risk or involves academic dishonesty.

## B. Guidance regarding sexual consent

1. Consent can only be accurately gauged through direct communication about the decision to engage in sexual activity. Presumptions based upon contextual factors (such as clothing, alcohol consumption, or dancing) are unwarranted, and may not be considered as an indication of consent.
2. Although consent does not need to be verbal, verbal communication is the most reliable form of asking for and gauging consent. As such, individuals are urged to seek consent in verbal form. Talking with sexual partners about desires and limits may seem awkward, but serves as the basis for positive sexual experiences shaped by mutual willingness and respect.

## C. Invalid excuses to a lack of affirmative consent

1. It shall not be a valid excuse to an alleged lack of affirmative consent that the respondent believed that the complainant consented to the sexual activity under either of the following circumstances:
  - a. Respondent's belief in affirmative consent arose from the intoxication or recklessness of the respondent.
  - b. Respondent failed to take reasonable steps, in the circumstances known to the respondent at the time, to ascertain whether the complainant affirmatively consented.
2. It shall also not be a valid excuse that the respondent believed the complainant affirmatively consented to the sexual activity if the respondent knew or reasonably should have known the complainant was unable to consent to the sexual activity under any of the following circumstances:
  - a. Complainant was asleep or unconscious.
  - b. Complainant was incapacitated due to the influence of drugs, alcohol, or medication, so that the complainant could not understand the fact, nature, or extent of the sexual activity.
  - c. Complainant was unable to communicate due to a mental or physical condition.

## CHAPTER 6: RETALIATION

The College strictly prohibits retaliation of any kind against an individual who reports alleged sexual misconduct or who participates in any process under this policy. Retaliation refers to an adverse action taken against a person for making a report of sexual misconduct or participating in any process under this policy. Retaliation includes threatening, intimidating, harassing, coercive, or any other conduct that could discourage a reasonable person from engaging in activity protected under this policy.

Retaliatory behavior may be engaged in by the individual accused of sexual misconduct, or friends, family, other persons or groups acting in support of or on behalf of that individual.

Retaliation constitutes an independent violation of this policy and may occur even when there is a finding that no sexual misconduct took place.

The College will investigate and take appropriate remedial action, which may include disciplinary action, in response to any report of retaliation.

## **CHAPTER 7: REPORTING SEXUAL MISCONDUCT**

### **A. Initiating/Filing a Report or Complaint**

#### **1. Individuals**

Any member of the College community may report or file a complaint of sexual misconduct through the Title IX coordinator or deputies. The College urges members of the College community who become aware of an incident of sexual misconduct to report the incident *immediately* to the College through the following reporting options:

- > By contacting the College's Title IX coordinator or any deputy Title IX coordinator by telephone, email, or in person during regular office hours at their respective locations, email addresses and/or phone numbers listed in Chapter 4 of this handbook or
- > Through *Lighthouse*, the College's website for online reporting (which also allows for anonymous reporting) at: <https://www.lighthouse-services.com/palmer>.

A reporting form may be obtained from the Title IX coordinator and/or deputies. Reports should contain sufficient information for the College to be able to adequately respond including, but not limited to, who was involved and when and where the incident(s) occurred.

#### **2. The College**

In its sole discretion, the College may initiate a complaint, join with a member of the College community who has initiated a complaint or intervene and maintain through the process any complaint of sexual misconduct initially brought by another member of the College community.

## B. Responsibility to Report

All College employees (including faculty, staff and administrators); student employees; and student club officers are required to disclose to the Title IX coordinator or deputies any incident or report of behavior or conduct involving potential sexual misconduct.

Individuals described above who fail to report an incident or report of potential sexual misconduct of which they become aware may be subject to disciplinary action up to and including termination of employment or dismissal as a student.

All other students are strongly encouraged to report information regarding any incident of potential sexual misconduct to the Title IX coordinator or deputies.

## C. The College's Responsibility to Respond

### 1. Title IX response team

The College seeks to ensure that all reports of sexual misconduct are brought to the Title IX Coordinator. The Title IX response team, an interdepartmental team led by the Title IX Coordinator, will respond to all reports of sexual misconduct. This facilitates the College's ability to respond in a timely, effective and consistent manner to coordinate the review of the report or complaint; conduct the investigation; prevent recurrence of any misconduct; address the effects of misconduct and implement the resolution and interim measures. The Title IX response team includes but is not limited to: the College's Title IX coordinator, deputies, the deans of academic affairs, and the senior director of human resources, as applicable. Others may be added to the team periodically or on a case-by-case basis as needed.

### 2. Response

The College will appropriately review and/or investigate all reports to determine what occurred and take appropriate steps to eliminate any misconduct, prevent its recurrence and remedy its effects.

## D. Reporting Off-Campus Sexual Misconduct

All incidents of sexual misconduct, including those occurring off campus, should be reported to the College.

## E. Limited Confidential Reporting

The College recognizes that any member of the College community who is impacted by sexual misconduct may choose to report such conduct to any employee. For example, a student may choose to confide in a faculty member, or a coach, all of whom are considered “responsible employees” who must immediately report the incident to the Title IX coordinator or deputy. An employee may choose to confide in a supervisor, also considered a “responsible employee.” Under this Handbook, **any** employee who receives a report of sexual misconduct must immediately disclose that report to the Title IX coordinator or deputy.

The College makes reasonable efforts to maintain the confidentiality of the information it receives in connection with reports of sexual misconduct. However, information is appropriately shared when disclosure is required by law, policy or is necessary to facilitate established College processes, including the investigation and resolution of reports of sexual misconduct.

Individuals who have reported potential violations of this policy or who have initiated or participated in the complaint procedures are advised their identity may be known to others for reasons beyond the control of College officials or investigators.

To enable the College to respond to all reports in a prompt and appropriate manner, the College encourages all individuals to directly report any incident of sexual misconduct to the Title IX coordinator or deputy.

Report Sexual Misconduct to:

### DAVENPORT CAMPUS

Earlye Adams Julien, PHR, M.S. Ed.  
Senior Director for Compliance  
Also Serving as Title IX Coordinator  
1000 Brady Street  
Davenport, IA 52803  
(563) 884-5476  
[earlye.julien@palmer.edu](mailto:earlye.julien@palmer.edu)

Lori Larsen, B.A., Lead Coordinator  
Also Serving as Deputy Title IX Coordinator  
Office of Compliance  
1000 Brady Street  
Davenport, IA 52803  
(563) 884-5246 or 800-722-2586  
[lori.larsen@palmer.edu](mailto:lori.larsen@palmer.edu)

## SAN JOSE CAMPUS

Duane Rohrbacher, Ph.D., J.D.  
Director of Student Services  
Also Serving as Deputy Title IX Coordinator  
Office of Student Academic Affairs  
90 E. Tasman Drive  
San Jose, CA 95134  
(408) 944-6062  
[duane.rohrbacher@palmer.edu](mailto:duane.rohrbacher@palmer.edu)

## PORT ORANGE CAMPUS

Cheryl Shaw, PHR, M.B.A., Human Resources Manager  
Also Serving as Deputy Title IX Coordinator  
4777 City Center Parkway  
Port Orange, FL 32129-4153  
(386) 763-2665  
[cheryl.shaw@palmer.edu](mailto:cheryl.shaw@palmer.edu)

Report sexual misconduct regarding athletics or scholarships to:

Kevin Cunningham, D.C., Ph.D.  
Vice Chancellor for Student Affairs  
Also Serving as Deputy Title IX Coordinator  
for Athletics and Scholarships  
Office of Student Affairs  
1000 Brady Street  
Davenport, IA 52803  
(563) 884-5898  
[kevin.cunningham@palmer.edu](mailto:kevin.cunningham@palmer.edu)

## F. Confidential Reporting

The College recognizes that the decision whether or not to report sexual misconduct is personal. Not every individual will choose to report sexual misconduct to the College or to law enforcement. Individuals are not required to pursue a specific course of action.

The College encourages all members of the College community who have experienced sexual misconduct to report such incidents to the College. For those individuals who elect not to make a report to the College, there are several confidential support resources available. Impacted individuals seeking to talk to someone about an incident of sexual misconduct in a confidential manner without making a report to the College or triggering an investigation or action by the College may utilize the confidential medical, mental health, and other confidential resources listed in **Chapter 10:**

**Community Resources & Confidential Reporting Contacts.** These resources can provide crisis intervention services, counseling, medical attention and assistance in interfacing with the criminal justice system. All individuals impacted by sexual misconduct are encouraged to utilize the resources that are the best suited to their needs.

## G. Emergency/Immediate Reporting Options

### 1. Local Law Enforcement

Individuals who have experienced sexual misconduct have the right to notify or decline to notify law enforcement. In keeping with its commitment to taking all appropriate steps to prevent, eliminate, and remedy any sexual misconduct, the College encourages all impacted individuals with concerns about potential criminal conduct to seek assistance from law enforcement immediately after an incident of sexual misconduct.

Local law enforcement agencies do not typically notify the College of reports of criminal activity, so the College will not have notice of an incident of misconduct unless a report is also made to the College. Accordingly, the College encourages impacted individuals to notify the College of sexual misconduct that has been reported to law enforcement.

Campus Security may be contacted **at any time** to provide assistance in contacting local law enforcement.

### 2. Campus Security

The College encourages all members of the College community to contact Campus Security **at any time** to seek security assistance on campus or to provide assistance in contacting the Title IX coordinator as appropriate after an incident of sexual misconduct. For information or questions regarding Campus Security see **Chapter 8: Campus Security**.

### 3. Medical Assistance

The College encourages all individuals who have experienced sexual misconduct involving an assault to immediately seek appropriate assistance from a medical provider. When such assistance is appropriate, this is the best option to obtain any necessary care and ensure preservation of evidence needed for an effective investigative and remedial response.

A medical practitioner can provide emergency and/or follow-up medical or psychological services; discuss any health-care concerns in a confidential setting; and may bring peace of mind. Such an exam has two goals: first, to diagnose and treat the full extent of any physical or psychological injury which may include sexually transmitted infection, pregnancy or depression. Second, such an examination may include properly collecting and preserving evidence. There is a limited window of time (typically 72 to 96 hours) following an incident of sexual assault to preserve physical and other forms of evidence. Taking the step to gather evidence immediately does not commit an individual to any course of action. The decision to seek medical attention and gather any evidence will remain confidential and preserve the full range of options to seek resolution through the College’s complaint processes or through the pursuit of criminal action.

**For information about medical assistance contact:**

**Davenport Campus - Quad Cities Area Resources**

Genesis Hospital .....(309) 792-9363(IL); (563) 421-1000(IA)

Trinity Medical Center.....(309) 779-5090(IL); (563) 742-5000(IA)

**Port Orange Campus - Port Orange Area Resources**

Sexual Assault Response Team Hotline: (800) 940-7273; (386) 258-7273

**San Jose Campus - San Jose/Bay Area Resources**

Santa Clara County Valley Medical Center: Main Clinic (408) 885-5000

**H. Clery Act Statistical Reporting Obligations**

Individuals reporting crimes may remain anonymous. However, the College includes statistics about the occurrence of campus crimes in its annual security report and provides those statistics to the United States Department of Education. In such cases, all personally identifiable information is kept confidential.

This report helps to provide the community with a clear picture of the extent and nature of campus crime, to enhance greater community safety.

The information to be shared includes the date, the location of the incident (using Clery location categories) and the Clery crime category. This reporting protects the identity of the impacted individual.

## I. Clery Act Timely Warning Reporting Obligations

Individuals impacted by sexual misconduct should be aware that College officials must promptly issue warnings for incidents reported to them that are confirmed to pose a substantial threat of bodily harm or danger to members of the College community. The College will make reasonable efforts to ensure that an impacted individual's name and other identifying information is not disclosed while still providing enough information for College community members to make appropriate safety decisions in light of the potential danger.

## J. Notification by the College to Law Enforcement Agencies

College Officials will determine, consistent with state and local law, whether appropriate law enforcement or other authorities shall be notified by the College of any sexual misconduct incidents.

## K. Criminal Action

The College encourages complainants to pursue criminal action for incidents of sexual misconduct that may also be crimes. Upon request, the College will also assist a complainant in making a criminal report. The College will cooperate with law enforcement agencies if a complainant decides to pursue the criminal process.

However, a complainant may also choose not to pursue criminal action, and under most circumstances, the local police department will not force a complainant to pursue charges if he/she is not willing to do so.

The definitions and burden of proof in this handbook differ from criminal law. A complainant may seek resolution through the College's complaint process, may pursue criminal action, or may choose to pursue both.

Neither law enforcement's determination whether or not to prosecute a respondent, nor the outcome of any criminal prosecution, are determinative of whether sexual misconduct violating this handbook has occurred. **Proceedings under this handbook may be carried out prior to, simultaneously with, or following civil or criminal proceedings.**

## L. Anonymous Reporting

Because of the inherent difficulty in investigating and resolving allegations that are vague or from unidentified persons, the College encourages individuals to provide full information and identify themselves when making reports of sexual misconduct. However, any generalized or anonymous reports received by the College will be reviewed and investigated to the extent feasible.

Anonymous reports may be made online at: <https://www.lighthouse-services.com/palmer>.

## M. Time Frame for Reporting

Individuals are encouraged to report sexual misconduct immediately in order to maximize the College's ability to respond promptly, appropriately and effectively. The College does not, however, limit the timeframe for reporting. Delayed reports of sexual misconduct, including ones involving former College students or employees, are subject to review and/or investigation.

## CHAPTER 8: CAMPUS SECURITY

Campus Security may be contacted at any time to seek security assistance on campus or to provide law enforcement information.

<http://www.palmer.edu/Security/>

For information or questions regarding Campus Security contact:

### DAVENPORT

Senior Director for Campus Safety and Security

Brian Sharkey

(563) 884-5147

[brian.sharkey@palmer.edu](mailto:brian.sharkey@palmer.edu)

SECURITY: (563) 884-5555.

Security is provided by Per Mar and is supervised by:

Jesse Moody

(563) 884-5306

Security Manager

[jesse.moody@palmer.edu](mailto:jesse.moody@palmer.edu)

## PORT ORANGE

SECURITY: (386) 763-2777

Security is provided by Security Forces, Inc., and is supervised by:

George Oliveira

(386) 763-2608

Director of Campus Safety and Security

[George.oliveira@palmer.edu](mailto:George.oliveira@palmer.edu)

## SAN JOSE

SECURITY INFORMATION

24 hr Orion Security (408) 287-4411

\*After Hours Desk (South Entrance) 944-6186

\*Cell Phone (Security on-site) 472-8441

Security is provided by Orion Security and is supervised by:

Director of Institutional Support

(408) 944-6147

After providing security assistance or law enforcement information, Security will promptly report any sexual misconduct allegations to the Title IX coordinator and/or deputy for further processing under this handbook.

## CHAPTER 9: CAMPUS SUPPORT SERVICES

The College encourages College community members to seek the support services listed below as needed.

### A. Davenport Campus

#### 1. Academic Support Services & Resource Referrals for Students

##### **Academic Support Services**

Alex Margrave, D.C.

563-884-5257

[margrave\\_a@palmer.edu](mailto:margrave_a@palmer.edu)

## 2. Employment Support Services & Resource Referrals for Employees

### **Human Resources**

Lisa Bauer

(563) 884-5648

[lisa.bauer@palmer.edu](mailto:lisa.bauer@palmer.edu)

## B. San Jose Campus

### 1. Academic Support Services & Resource Referrals for Students

#### **Student Academic Affairs**

Duane Rohrbacher, Ph.D, J.D.

(408) 944-6122

[duane.rohrbacher@palmer.edu](mailto:duane.rohrbacher@palmer.edu)

### 2. Employment Support Services & Resource Referrals for Employees

#### **Human Resources**

Michelle Walker

(563) 884-5866

[michelle.walker@palmer.edu](mailto:michelle.walker@palmer.edu)

## C. Port Orange Campus

### 1. Academic Support Services & Resource Referrals for Students

#### **Academic Support Services**

Victor Hidalgo, M.S.

(386) 763-2780

[victor.hidalgo@palmer.edu](mailto:victor.hidalgo@palmer.edu)

### 2. Employment Support Services & Resource Referrals for Employees

#### **Human Resources**

Cheryl Shaw, PHR, M.B.A.

(386) 763-2665

[cheryl.shaw@palmer.edu](mailto:cheryl.shaw@palmer.edu)

## D. Campus Guidance Documents

### 1. Guide to Campus Safety & Substance Abuse Awareness

[http://www.palmer.edu/uploadedFiles/Pages/Marketing/Publications/Official\\_College\\_Documents/guide\\_to\\_campus\\_safety.pdf](http://www.palmer.edu/uploadedFiles/Pages/Marketing/Publications/Official_College_Documents/guide_to_campus_safety.pdf)

## 2. Recognize, Prevent & Report Sexual Violence

[http://www.palmer.edu/uploadedFiles/Pages/Marketing/Publications/Official\\_College\\_Documents/Sexual\\_Violence\\_Booklet.pdf](http://www.palmer.edu/uploadedFiles/Pages/Marketing/Publications/Official_College_Documents/Sexual_Violence_Booklet.pdf)

## CHAPTER 10: COMMUNITY RESOURCES & CONFIDENTIAL REPORTING CONTACTS

The College encourages members of the College community to seek the support of community resources as needed. Individuals impacted by sexual misconduct are encouraged to seek appropriate help through available community resources, regardless of whether the individual chooses to formally report the misconduct or whether the incident occurred recently or in the past.

### A. Local Resources

#### 1. Davenport Campus

##### a. SafePath Survivor Resources

<http://www.famres.org/domesticviolenceservicesprogram.html>

Iowa: (563) 326-9191

Illinois: (309) 797-1777

##### b. Violence Intervention Counseling Services

(309) 797-1777

##### c. The Facts of Life

[http://www.palmer.edu/uploadedFiles/Pages/For\\_Current\\_Students/Advising,\\_Counseling\\_and\\_Wellness/\\_pdf/Facts\\_Davenport\\_srap.pdf](http://www.palmer.edu/uploadedFiles/Pages/For_Current_Students/Advising,_Counseling_and_Wellness/_pdf/Facts_Davenport_srap.pdf)

#### 2. San Jose Area

##### a. YWCA Rape Crisis Center in Santa Clara County

(408) 287-3000

(650) 493-7273

##### b. Domestic Violence Crisis Line

(800) 572-2782

- c. The Facts of Life  
[http://www.palmer.edu/uploadedFiles/Pages/For\\_Current\\_Students/Advising\\_Counseling\\_and\\_Wellness/\\_pdf/Facts\\_San\\_Jose\\_srap.pdf](http://www.palmer.edu/uploadedFiles/Pages/For_Current_Students/Advising_Counseling_and_Wellness/_pdf/Facts_San_Jose_srap.pdf)

### 3. Port Orange Area

- a. Sexual Assault Response Team  
(888) 956-RAPE (7273)
- b. The Facts of Life  
[http://www.palmer.edu/uploadedFiles/Pages/For\\_Current\\_Students/Advising\\_Counseling\\_and\\_Wellness/\\_pdf/Facts\\_Florida\\_srap.pdf](http://www.palmer.edu/uploadedFiles/Pages/For_Current_Students/Advising_Counseling_and_Wellness/_pdf/Facts_Florida_srap.pdf)

## B. Additional Employee Resources (all three campuses)

The Employee Assistance Program (EAP) is a Palmer-sponsored benefit intended to provide confidential, short-term counseling and referral services that will help employees and immediate family members.

ComPsych Guidance Resources (the College's EAP) can be accessed 24 hours a day by calling (800) 272-7255 or logging onto <http://www.guidanceresources.com/>. If, upon assessment, the counselor feels that outside assistance is necessary, a subsequent referral will be made. Please contact the Human Resources department at (563) 884-5276 for a password to access the web-based benefits.

## C. Other Resources

- 1. Rape and Sexual Violence
  - a. National Sexual Assault Hotline  
(800) 656-HOPE (4673)
  - b. Rape Abuse Incest National Network  
[www.rainn.org](http://www.rainn.org)

## 2. Domestic Violence

National Domestic Violence hotlines:

(800) 799-SAFE (7233)

(800) 787-3224 (TTY)

## 3. Suicide Prevention

a. Lifeline Suicide Prevention

(800) 273-TALK (8255)

b. Jed Foundation

[www.jedfoundation.org](http://www.jedfoundation.org)

c. National Suicide Prevention Lifeline

[www.suicidepreventionlifeline.org](http://www.suicidepreventionlifeline.org)

## 4. Gay Lesbian Bisexual Transgender Resources

d. GLTB National Hotline

(888) 843-4564

e. [www.GLBTFNationalHelpCenter.org](http://www.GLBTFNationalHelpCenter.org)

## D. Other Mental Health and Well-being Resources

1. Ulifeline (<http://www.ulifeline.org>). An anonymous, confidential, online resource center developed especially for college students. Find help and information regarding mental health and suicide prevention.

2. American Psychological Association ([www.apa.org](http://www.apa.org)). The APA is the premier professional psychological association in the United States, which provides information on a wide variety of topics.

3. Graduate Student Hotline - (800) GRAD-HELP (472-3457). Provides 24/7 support for urgent mental health care needs.

4. The Learn Psychology Guide to College Student Mental Health (<http://www.learnpsychology.org/college-students-and-mental-health/>). Gives tips and strategies for addressing stress, sleep issues and other mental health needs and concerns.

## PART II: PROCEDURES

## **CHAPTER 11: REMEDIAL MEASURES**

Upon receipt of a report of sexual misconduct, the College will make an initial assessment of any risk of harm to individuals or to the College community and will take reasonable steps necessary to address those risks.

In response to a report of sexual misconduct, the College may impose any interim remedial and/or protective measures it considers appropriate to prevent potential acts of misconduct; limit the effects of the alleged misconduct on the complainant or others in the College community; and to provide a safe educational and work environment.

The College will determine the necessity and scope of any interim measures. Even when a complainant or respondent does not specifically request such measures be taken, the College may choose to impose interim measures at its discretion.

Complainants seeking interim measures should contact the Title IX coordinator or a deputy Title IX coordinator.

The range of interim measures may include, but is not limited to, the following:

### **A. No-Contact Directive**

A complainant or respondent may request, or the College may impose, communication and contact restrictions to prevent further potentially harmful interaction. These communication and contact restrictions generally preclude in-person, telephone, electronic or third-party communications.

### **B. Interim Separation**

The College may place an individual or organization on interim suspension or impose administrative leave. Pending resolution of the complaint, the individual or organization may be denied access to campus.

### **C. Restricted Access**

The College may limit an individual or organization's access to certain College facilities or activities as part of a no-contact directive.

## D. Facilitation of On-Campus Compliance with a Court Order

In some cases, a complainant may consider seeking an Abuse Prevention Order or a Harassment Prevention Order from the local courts. These civil proceedings are independent of the College. If the College is provided with a copy of a court order, the College will, to the extent feasible, attempt to facilitate on-campus compliance with the order.

## E. Academic or Employment Modifications

An individual who requests assistance with modifications to academic or employment conditions after a report of sexual misconduct may obtain appropriate and reasonably available interim measures. These may include, but are not limited to:

1. Academic adjustments, such as a change in class schedule, taking an incomplete, dropping a course without penalty, or extending deadlines for assignments;
2. Change in work assignment or schedule.

## F. Residence Modifications

An individual who requests assistance with modifications to College owned and/or controlled residence assignments after a report of sexual misconduct may obtain appropriate and reasonably available interim measures.

## G. Security Assistance

Complainants may request assistance from Security to help identify and implement safety measures such as assigned parking or requesting an escort on campus for movement between classes and activities.

## H. Emotional Support

The College may assist in identifying Campus Support Services as outlined in Chapter 9 of this handbook. Additionally, the College may assist in identifying and referring complainants to community services for counseling, emotional support and other helpful community resources outlined in Chapter 10 of this handbook.

## **Failure to Comply with Interim Measures**

All individuals are encouraged to report concerns about failure of another individual or organization to comply with any interim measures imposed. Failure to comply with interim measures imposed by the College may result in disciplinary action.

## **CHAPTER 12: INFORMAL RESOLUTION**

1. Any complaint alleging sexual violence will be resolved utilizing the formal complaint resolution process.
2. Any complaint where the respondent or complainant has supervisory or other evaluative responsibility for the other will be resolved utilizing the formal complaint resolution process.
3. Use of the informal procedure is not a prerequisite to initiating the formal complaint resolution process.

The coordinator and/or deputy(s) may meet separately with the complainant and/or the respondent to determine if the complaint may be disposed of informally on a basis acceptable to the parties and the College, or should be referred to the formal complaint resolution process.

4. The privacy of the complainant's identity will be maintained provided that such confidentiality does not interfere with the coordinator's ability to successfully negotiate an informal resolution. If a resolution is reached, which is satisfactory to the parties and the College, no further action will be taken and the matter will be considered closed. Such informal resolution is final and not subject to appeal under chapter 19.
5. The complainant or respondent may terminate the informal complaint resolution process at any time and request to proceed utilizing the formal complaint resolution process.
6. Any informal resolution will be documented and maintained by the Office of Compliance. Informal resolutions involving employees may also be placed in their personnel files.

7. If the complaint cannot be disposed of informally on a basis acceptable to the parties and the College, then the complaint will be referred to the formal complaint resolution process.
8. Any failure to comply with the informal resolution terms may constitute grounds for an independent complaint or result in the reopening of the original complaint.

## **CHAPTER 13: INVESTIGATIONS**

### **A. Determination to Conduct an Investigation**

The College will take reasonable steps to review, assess and, if appropriate, investigate and respond to a report or complaint of sexual misconduct. The determination whether to conduct an investigation is made by the Title IX coordinator or deputy based on a variety of factors, such as the complainant's request for an investigation, the risk posed to any individual or the College community, and the nature of the complaint.

### **B. Purpose of the Investigation**

The purpose of a sexual misconduct investigation is to:

1. Obtain facts to determine the accuracy of the complaint allegations;
2. Determine whether sexual misconduct in violation of this policy or a violation of other relevant College policies or procedures occurred;
3. Provide an opportunity for the complainant and respondent to offer testimony, and identify any relevant witnesses and/or documentation;
4. Inform the decision of the deciding College official; and
5. Obtain information to help determine an appropriate response to provide for the safety of an individual or the College community, eliminate any misconduct, prevent its recurrence and remedy its effects.

### **C. Appointment of Investigator(s)**

The Title IX coordinator may select an internal and/or external party(ies), trained to investigate such matters, to conduct an investigation of the complaint.

## **D. Persons Authorized to Conduct Investigation**

No one other than the investigator(s) appointed by the Title IX coordinator will be allowed to conduct an investigation on behalf of the College.

## **E. Notification to the Respondent, Complainant and/or Filer**

When the College receives a complaint of sexual misconduct that it intends to investigate, the complainant, respondent and/or filer will be notified of such intent, in writing. Such notification to the respondent will include a general description of the nature of the allegations.

If the respondent is an employee of the College, Human Resources will also be provided a copy of this notice in order to coordinate or initiate additional actions that may be required in accordance with applicable institutional and human resources policies; collective bargaining agreements; handbooks; and other applicable policies and procedures.

## **F. Collection of Information**

The complainant and respondent will be provided with an opportunity to identify for the investigator witnesses, documents and other evidence they believe relevant to the complaint of sexual misconduct.

The investigator will coordinate the gathering of information from the complainant, the respondent, and any other individuals who may have relevant information regarding the matter. The investigator will also gather any available physical or medical evidence, including documents, communications between the parties, electronic records and any other available evidence as appropriate.

The investigator may review and consider any prior complaints of sexual misconduct alleged against the respondent. Any information contained in the College's files pertaining to such complaints, including but not limited to allegations, investigative findings; hearings; and the resolution of any complaint, whether by informal or formal processes, may be considered.

## **G. Limited Confidentiality of Investigations**

When the College has received a report of sexual misconduct, but the complainant requests that his/her identity remain confidential or that the College not pursue an investigation, the College will balance this request with its responsibility to provide a safe and non-discriminatory environment for all College community members consistent with applicable law. The College will notify the complainant that it is not possible to provide confidentiality in all cases and that its ability to address

and respond to the complaint may be limited if confidentiality is maintained. A complainant's request to maintain confidentiality will be balanced against factors including:

- > the seriousness of the alleged harassment;
- > the Complainant's age;
- > whether there have been other harassment complaints about the respondent;
- > the respondent's rights to receive information about the allegations if the information is maintained by the school as an "education record" under the Family Educational Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g; 34 C.F.R. Part 99.
- > circumstances that suggest there is an increased risk of the respondent committing additional acts of sexual misconduct;
- > circumstances that suggest there is an increased risk of future acts of sexual misconduct under similar circumstances;
- > whether the sexual misconduct was perpetrated with a weapon; and whether the College possesses other means to obtain relevant evidence.

The College has a compelling interest in protecting the integrity of its investigations. In every investigation, the College strongly desires to protect the complainant and witnesses from harassment, intimidation and retaliation; to prevent the destruction of evidence; to obtain accurate testimony; and to prevent the withholding of relevant information. The College may decide in some circumstances that, in order to achieve these objectives, the investigation and the College's role in it must be maintained in strict confidence.

During and after an investigation regarding allegations of sexual misconduct, the College gives careful attention to the protection of personally-identifiable information related to the involved parties. The College will make reasonable efforts to maintain the confidentiality of information obtained during a sexual misconduct investigation, including the identities of the complainant and respondent.

A record of the sexual misconduct report or complaint investigation outcome will be maintained by the Title IX coordinator. If the respondent is an employee and the outcome results in disciplinary action, appropriate records will also be maintained in the respondent's personnel file.

## H. Conducting the Investigation

In conducting the investigation:

1. The investigator(s) may interview the filer and/or complainant, the respondent, any witnesses named by the filer, complainant and/or respondent and other persons the investigator believes may have relevant information.
2. The complaint will be investigated thoroughly and impartially by the investigator(s). Determination of the scope of the investigation and relevance of witnesses, documents and other information is at the sole discretion of the investigator.
3. The investigation will afford the complainant and/or filer an opportunity to provide detailed information regarding the allegations raised, and will provide the respondent an opportunity to respond to the allegations.

## I. Amendments

If the investigation reveals information which the College reasonably believes supports further or additional allegations of sexual misconduct, the College and/or the filer may amend the complaint.

## J. Timeframes for the Investigation

1. The College will strive to complete a sexual misconduct investigation within 60 calendar days following receipt of a sexual misconduct complaint.
2. The Title IX coordinator may extend this time frame for good cause, including College break schedules or the complexity of a complaint investigation.

## K. Investigation Report

1. The investigator will provide a written investigation report to the Title IX coordinator and/or deputy.
2. A copy of the investigation report will be provided to the College official designated by the Title IX coordinator to make an outcome decision.

## L. Investigation Documentation

Documents obtained by the College during the investigation process shall be and remain the property of the College.

## M. College Investigations: Required Participation

The College requires **full and timely cooperation** by its students and employees in its investigation processes.

## N. Voluntary Participation In Third-Party Investigations

Under certain circumstances, the College may be required to permit a third-party (e.g. union) to conduct an investigation related to sexual misconduct. Such an investigation would involve a third party other than the College or a governmental agency. A third party investigation may result in requests for interviews of or some other form of cooperation by students and/or employees.

Participation by students and/or employees in such third-party investigations is strictly **voluntary**. Neither students nor employees are obligated to take part in any sexual misconduct investigation being conducted by a third party.

Students and employees may have other rights when asked to participate in a third-party investigation. Such rights may include having a College representative attend an interview at the student or employee's request. It is strongly recommended that students and employees contact the Office of Compliance for guidance when asked to participate in a non-College investigation.

If a student or employee initially consents to participate in a third-party investigation, he or she may, at any time, withdraw that consent and refuse to further participate in the investigation.

Retaliation against students or employees will not be tolerated based on whether or not they agree to participate in a non-College investigation.

## CHAPTER 14: EFFECTS OF CRIMINAL PROCEEDING OR PENDING COMPLAINTS

### A. Violation of Laws and College Policies

Matters reported as sexual misconduct may be subject to certain laws and also covered by College policies. However, applicable laws and the College's policies operate independently and do not substitute for each other. The College may pursue enforcement of its own policies whether or not legal proceedings are also in process, and may use information from third party sources (such as law enforcement agencies and the courts) to determine whether College policies have been violated.

Proceedings under this policy may be instituted against a student or employee charged with misconduct that potentially violates both the law and this policy (that is, if both possible violations

result from the same factual situation) without regard to the pendency of civil or criminal proceedings.

## **B. Effect of Criminal Proceedings**

### **Commencement of Proceedings**

Proceedings under this policy may be carried out prior to, simultaneously with, or following civil or criminal proceedings at the discretion of the coordinator. The College will not generally wait for the conclusion of any criminal investigation or proceeding to commence its own investigation and take any necessary interim measures to protect an individual or the College community. However, the College may temporarily delay fact-finding in some cases to avoid interfering with a criminal or other external investigation.

### **Determinations**

Neither law enforcement's determination whether or not to prosecute a respondent, nor the outcome of any criminal prosecution, are determinative of whether sexual misconduct violating the College policy occurred.

Determinations made or sanctions imposed under this policy shall not be subject to change solely because criminal charges arising out of the same facts giving rise to violation of College policy were dismissed, reduced or resolved in favor of or against the criminal law defendant.

### **Special Considerations**

When a student is charged by federal, state, or local authorities with a violation of law, the College will not request or agree to special consideration for that individual because of his or her status as a student. If the alleged offense is also being processed under this policy, the College may advise legal authorities of the existence of the policy and of how such matters are typically handled within the College community.

## **C. Effect of Pending Complaint on Student Respondent**

If the respondent is a current student, no notation will be placed on the respondent's transcript of a complaint or pending disciplinary action during the investigation process. If the respondent withdraws from the College while a sexual misconduct complaint is pending, the respondent's transcript will reflect a withdrawal and a notation of pending disciplinary review. The notation is subject to later modification to reflect the outcome of the disciplinary action.

## **CHAPTER 15: ADVISORS AND ATTORNEYS**

During investigation meetings related to a sexual misconduct complaint, the complainant and the respondent may be assisted by an advisor they choose, at their own expense. The advisor may be an attorney. If either party retains an attorney, such party shall notify the coordinator at least three academic days in advance of any meeting to allow the other party and the College an opportunity to obtain their own attorney.

The only appropriate role for the advisor is to provide support to a party in a manner which does not interfere with the College's processes. While advisors may provide support and advice at any meeting, they may not speak on behalf of the parties or otherwise participate in, or in any manner disrupt such meetings.

## **CHAPTER 16: OUTCOME DECISION**

### **Standard of Proof**

The College applies the "preponderance of the evidence" standard when making factual findings and determining whether the sexual misconduct policy has been violated. "Preponderance of the evidence" means that it is more likely than not that alleged conduct or a policy violation occurred.

For complaints investigated under the sexual misconduct policy, the Title IX coordinator will assign an administrator with appropriate Title IX training ("designated deciding official") to reach and issue an outcome decision. The designated deciding official will review the investigation report in connection with reaching an outcome decision. The designated deciding official may also request that the investigator conduct further review or obtain additional information; review respondent's personnel file; consider information regarding any prior sexual misconduct issues involving the respondent; consult with the parties, witnesses or respondent's supervisor, or take other appropriate steps prior to reaching an outcome decision. The designated deciding official shall make a decision regarding policy violation based on whether it is more likely than not that the respondent violated the sexual misconduct policy.

## **CHAPTER 17: NOTIFICATION OF OUTCOME DECISION**

The outcome decision of the designated deciding official will be communicated to the Title IX coordinator in a written outcome letter. The coordinator or deputy will provide each party with a copy of the written outcome letter which may include findings of fact; remedial actions; safety measures for the College community; or specified disciplinary action.

While an outcome letter will be provided to both parties, the content of each letter may differ based on considerations such as FERPA requirements and confidentiality interests.

A copy of the outcome letter may be provided to the respondent's supervisor or others with a need to know, as determined appropriate by the coordinator. If the respondent is a student, a notation may be placed on the respondent's transcript.

## **CHAPTER 18: DISCIPLINE AND REMEDIATION**

Employees or students found to have violated the sexual misconduct policy may be subject to disciplinary action up to and including termination of employment and/or dismissal as a student.

Third parties who commit sexual misconduct may have their relationship with the College terminated, have their privilege of being on College premises withdrawn or be subject to other appropriate action.

In determining discipline, the designated deciding official may consider prior sexual misconduct issues involving the respondent; and the disciplinary and performance record of the respondent as appropriate. Disciplinary or remedial actions imposed may include those provided for under applicable collective bargaining agreements; handbooks; or College policies and procedures.

### **A. Students: The following discipline or remediation may be imposed for students violating the sexual misconduct policy:**

- 1.** A written reprimand for misconduct.
- 2.** Loss of privileges: denial of specified privileges for a defined period of time.
- 3.** Restitution: compensation for loss, damage or injury. This may take the form of appropriate services and/or monetary or material replacement.
- 4.** Discretionary sanctions: educational remediation, psychological evaluation, counseling, treatment or other appropriate sanctions.
- 5.** Clinic suspension: separation from the clinic for a defined period of time. Conditions for readmission may be specified.
- 6.** College suspension: separation from the College for a defined period of time. Conditions for readmission may be specified.

7. College residential premises suspension: separation from any College-owned residential premises for a defined period of time. Conditions for readmission may be specified.
8. College residential premises expulsion: permanent separation from any College-owned residential premises.
9. College dismissal: permanent separation from the College.

**B. Employees: Employees found to have violated the sexual misconduct policy may be subject to the following disciplinary actions:**

1. A written reprimand for misconduct.
2. Loss of privileges: denial of specified privileges for a defined period of time.
3. Restitution: compensation for loss, damage or injury. This may take the form of appropriate services and/or monetary or material replacement.
4. Discretionary sanctions: educational remediation, psychological evaluation, counseling, treatment or other appropriate sanctions.
5. Clinic suspension: separation from the clinic for a defined period of time. Conditions for readmission may be specified.
6. College suspension with or without pay: separation from the College for a defined period of time. Conditions for readmission may be specified.
7. College residential premises suspension: separation from any College-owned residential premises for a defined period of time. Conditions for readmission may be specified.
8. College residential premises expulsion: permanent separation from any College-owned residential premises.
9. Termination: discharge from College employment.

## **CHAPTER 19: APPEAL**

For complaints investigated under the sexual misconduct policy, the Title IX coordinator will assign an administrator with appropriate Title IX training (“designated appeal official”) to determine and issue a decision regarding any appeal of an outcome decision.

A. The outcome decision by the designated deciding official may be appealed by the complainant or respondent within 10 academic days of the written decision. Such appeal shall be in writing, state the remedy sought by the appealing party and be timely delivered to the Title IX coordinator.

B. Except as required to explain the basis of new evidence, an appeal shall be limited to review of the record made before the designated deciding official and supporting documents for one or more of the following purposes:

1. To determine whether the process was conducted fairly in light of the complaint and evidence presented and in conformance with these procedures.
2. To determine whether the decision is supported by a preponderance of evidence, that is; whether the facts were sufficient to establish misconduct violating the sexual misconduct policy.
3. To determine whether the discipline imposed was appropriate for the misconduct found.
4. To consider new evidence that may be sufficient to alter a decision or other relevant facts not evaluated during the investigation, because such evidence/facts were not available to the appealing party at the time of the investigation.

C. After review of the above, the designated appeal official, in writing, may decide to:

1. Affirm the finding of misconduct.
2. Dismiss the complaint(s), finding no misconduct occurred.
3. Affirm the discipline and remediation outcome.
4. Modify the discipline and remediation outcome.
5. Return the matter to the investigator to further investigate new evidence.

D. The decision of the designated appeal official shall be final under this policy.

## CHAPTER 20: EXTERNAL REPORTING

Individuals may file a complaint with the Department of Education's Office for Civil Rights regarding an alleged violation of Title IX by visiting

[www2.ed.gov/about/offices/list/ocr/complaintintro.html](http://www2.ed.gov/about/offices/list/ocr/complaintintro.html) or calling 1-800-421-3481.

### Regional Office for Iowa

Office for Civil Rights  
U.S. Department of Health & Human Services  
601 East 12th Street - Room 248  
Kansas City, MO 64106  
(816) 426-7278; (816) 426-7065 (TDD)  
(816) 426-3686 FAX

### Regional Office for California

Office for Civil Rights  
U.S. Department of Health & Human Services  
50 United Nations Plaza - Room 322  
San Francisco, CA 94102  
(415) 437-8310; (415) 437-8311 (TDD)  
(415) 437-8329 FAX

### Regional Office for Florida

Office for Civil Rights  
U.S. Department of Health and Human Services  
Atlanta Federal Center, Suite 3B70  
61 Forsyth Street, S.W.  
Atlanta, GA 30303-8909  
Voice Phone (404)562-7886  
FAX (404)562-7881  
TDD (404)331-2867

## **CHAPTER 21: DEFINITIONS**

- 1.** Academic Days – Those days specified in the academic calendar from the first day classes begin until the last day classes end excluding Saturdays, Sundays, College holidays, final exams days and graduation.
- 2.** Academic Term – The division of an academic year which specifies the time during which the College holds classes. These divisions may be called ‘quarters’ or ‘trimesters’ depending on the campus location.
- 3.** Advisor – Any one person chosen by the complainant, respondent or filer to assist throughout the process.
- 4.** Bullying – Extreme or repeated verbal, physical, social or psychological behavior that is harmful and involves the misuse of power by an individual or group towards one or more persons. (Refer to chapter 4.)
- 5.** College – The entire institution of Palmer College of Chiropractic including operations on the Davenport campus in Davenport, Iowa; the San Jose campus in San Jose, Calif. and the Port Orange campus in Port Orange, Fla.
- 6.** Complaint – Any allegation of sexual misconduct that is reported to the College.
- 7.** Complainant – An individual who is alleged to have been impacted by sexual misconduct regardless of whether that person makes a report or seeks action under the College’s sexual misconduct policy or associated procedures.
- 8.** Consent – See Chapter 5 of the College’s Sexual Misconduct Policy Handbook.
- 9.** Designated Deciding Official – Any person employed by the College and authorized by the Title IX coordinator to make an outcome decision determining if sexual misconduct has been proven and what remedies, if any, shall be imposed.
- 10.** Designated Appeal Official – Any person employed by the College and authorized to make the final appeal decision under this handbook.
- 11.** Filer – Any member of the Palmer College community who submits a complaint alleging sexual misconduct.

- 12.** Respondent – An individual against whom an allegation of sexual misconduct has been brought under the College’s sexual misconduct policy.
- 13.** Stalking – Extreme or repeated conduct involving unwanted attention, harassment, physical or verbal contact, or any other course of conduct directed at an individual that could be reasonably regarded as likely to alarm or place that individual in fear of harm or injury, including physical, emotional, or psychological harm. (Refer to chapter 5.)
- 14.** Title IX Coordinator/Deputy Title IX Coordinator (“coordinator”) – Any person employed by the College and designated to be responsible for the administration of the process for the resolution of sexual misconduct complaints.