

May 2, 2012

Ms. Carolyn Small
Postsecondary Registration Administrator
Iowa College Student Aid Commission
603 E. 12th St., Floor 5th
Des Moines, IA 50319

Dear Ms. Small:

I think I have all the missing items you requested from the first set of documents we submitted. In several places they make reference to an online Code of Conduct for students, and I've included a hard copy of it.

We had two of the three policies in place and implemented. The third, military active duty refunds, is in draft form and will go to the policy committee first thing in fall. In the interim, we've already included the wording in the handbook (included) and made submission to add this specific policy to the bursar's online page. The page is referenced in the handbook, too, but not yet live.

Please let me know if there are additional pieces I have overlooked or other information your office requires. I can be reached via email at paul.massmann@cui.edu or via phone at 949-214-3383.

Thank you,

Paul F. Massmann
Associate Dean, Provost's Office

Alcohol and Drug Use (Students)

Faculty Approved 02/26/97

BOR Adopted 03/20/97

03/24/97 Edition

Page 1 of 1

1. DESCRIPTION

Concordia University has a strong commitment to promoting the well-being of each member of its community. The use of alcohol and other drugs by the Concordia community will be governed by the laws of the United States Government and the State of California, concern for others, and concern for one's body as the temple of the Holy Spirit. The use of alcohol, drugs, and other mood-altering substances poses health, safety, and security problems.

The intent of this policy is to encourage students who want or need help to seek assistance and to emphasize that abuse of alcohol or drugs may lead to dismissal from the university.

2. PROCEDURES

2.1 Description of Abuse

Alcohol and Drug Abuse is defined as using and/or selling controlled substances such as heroin, cocaine, and marijuana; or taking prescription drugs such as narcotics, depressants, amphetamines, and steroids in a manner inconsistent with a physician's directions; or abusing alcohol; or using alcohol prior to legal age. (Refer to Student Handbook, *Illegal Substances*.)

2.2 Consequences of Abuse

Abuse of alcohol and drugs constitutes a violation of this policy and will be cause for administrative or disciplinary action. Such action may lead to required counseling or dismissal from the university.

The sale or possession of controlled substances on campus is strictly prohibited and may subject the individual involved to criminal prosecution as well as dismissal from the university. (Refer to Student Handbook, *Guidelines for Alcohol Violations and Liability and Enforcement Of Alcohol Policy*.)

2.3 Assistance

It is the hope of the university that individuals who abuse alcohol or other drugs will recognize their problems and voluntarily come forward to seek help. Students should seek help through the Student Services Office. The Student Services Office, with the help of the Health Office and Counseling Center, will assess the problem and recommend appropriate action, which may involve referral to an off-campus in-patient or out-patient facility. Persons voluntarily opting for treatment should involve family and spouses, where appropriate, as soon as possible.

If the university has a reasonable suspicion that an abuse exists as outlined under 2.1, the Student Services office may require the individual to seek the assistance of an approved counseling center. After conducting an assessment, the Counseling Center may recommend that the individual participate in an appropriate treatment program.

Students may participate in a treatment program without jeopardizing their student status. Participation in a treatment program will not, in itself, prevent the imposition of disciplinary sanctions. Continued use of chemical substances, including alcohol, by an individual who refuses to admit to an abuse problem may result in sanctions up to and including dismissal if such use negatively affects the individual's well-being or puts others at risk.

Sexual Harassment

Faculty Approved 10/27/99

BOR Approved 12/07/01

02/12/02 Edition

Page 1 of 4

1. DESCRIPTION

Concordia University seeks to maintain an environment free from sexual harassment. Sexual harassment of any employee, student or applicant for admission to the university is strictly prohibited. Sexual harassment is contrary to the religious and moral tenets of the university. In addition, such harassment can negatively affect a person's sense of well being, dignity, work and academic performance.

Any employee or student of Concordia University should initiate complaints under the following procedures if he or she believes that he or she has been a victim of sexual harassment. It is a violation of university policy for any employee, student or person engaged by the university, including, without limitation, officers, administrators, faculty, and any person conducting business with Concordia University, to sexually harass any employee or student of Concordia University. The procedure that follows is intended to discourage sexual harassment and to encourage any person who has suffered sexual harassment to initiate a complaint so that corrective action can be taken on behalf of the victim and Concordia University. Concordia University has a zero tolerance policy regarding the sexual harassment of students by faculty or staff. Any faculty or staff member who commits such behavior is subject to immediate dismissal.

2. DEFINITION

Concordia University defines sexual harassment as including the following behavior:

- 2.1 Unwelcome sexual advances; requests for sexual favors; unwelcome touching, fondling, visual display and all other verbal or physical conduct of a sexual nature, when
 - a. submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment or a term or condition of an individual's grade, recommendation, or participation in any educational program or opportunity;
 - b. submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual or as the basis for decisions affecting such individual's grade, recommendation or participation in any educational program or opportunity; or
 - c. such conduct has the purpose or effect of creating an intimidating, hostile or offensive working or learning environment or unreasonably interfering with an individual's work or academic performance, academic studies, or other educational opportunities.
- 2.2 Whether conduct constitutes sexual harassment will vary depending upon the particular circumstances. Sexual harassment is not limited to physical acts and includes all acts of harassment based upon a person's sex. Behavior that may be experienced as intimidating or offensive, particularly when it recurs or one person has authority over the other, may include actions such as veiled suggestions of sexual activity; offensive comments, jokes, innuendos and other statements of a sexual nature; or the use of risqué jokes, stories or images. Sexual

harassment could include inappropriate personal attention given to any employee or a student or an applicant by a supervisor, a teaching assistant, an instructor, a professor, or any other member of the faculty, any officer, or any other person.

- 2.3 Concordia University strongly discourages amorous relationships, even if consensual, between university employees, students and applicants for enrollment, especially when they occur between an employee and any person who determines such employee's position or compensation, a student or applicant, and any person who determines such student's grade or such applicant's admission or who could otherwise affect his or her academic performance or professional future. This would apply to any person in a supervisory position, including teaching assistants, professors and other members of the faculty and teaching staff whose evaluation of or assistance to a student or an employee could affect his or her professional or academic life.

In the event that a complaint of sexual harassment or assault is made during or following the termination of such an amorous relationship, the university will not consider the defense by the alleged offender that the relationship was consensual when investigating the complaint and/or determining action on said complaint.

2.4 Sexual Assault

Sexual assault is defined as attempted or actual sexual activity performed without the active, verbal consent of another individual.

For the purpose of this policy, consent is defined as verbal agreement and positive physical cooperation in the course of physical intimacy so long as both parties are acting freely and voluntarily and understand the nature of consent cannot be given if either participant is unable to provide positive cooperation due to unconsciousness, mental incompetence, age, or intoxication. Lack of protest does not imply consent.

3. PROVISION

- 3.1 Each member of the administration and staff is responsible for creating an atmosphere free of sexual harassment and for reporting any incidents of harassment he or she observes or which otherwise comes to his or her attention. Further, employees and students are responsible for respecting the rights of others at work.
- 3.2 It is a violation of the university's policy for any employee or any person engaged by the university, including, without limitation, officers, faculty, administrators, staff, and any person conducting business with the university or any student, to sexually harass any employee, student or applicant for admission to the university.
- 3.3 All reports of sexual harassment will be promptly investigated. Substantiated complaints of sexual harassment will be effectively and promptly redressed and the complainant will be advised of the action taken. If the result of the investigation does not substantiate the complaint, both the complainant and the alleged offender will be so advised. Concordia shall take such action it deems appropriate, depending upon the circumstances and degree of authority it has over the alleged offender and in accordance with the disciplinary policies and procedures applicable to the person who allegedly committed the act of harassment. A written description of the procedures for the resolution of sexual harassment complaints is available upon request from the designated Sexual Harassment Appeal Officers (see Policy 712.31).

- 3.4 Concordia University expressly prohibits any form of retaliation against any person for filing a complaint under this policy or for assisting in a complaint investigation.
- 3.5 A copy of the policy prohibiting sexual harassment which informs the employee or the student of his or her right to raise and how to raise the issue of sexual harassment shall be posted in a conspicuous place for inspection and shall contain a statement that a copy of the policy will be furnished to any employee or student upon his or her request.

4. PROCEDURE

4.1 How to Initiate a Complaint

Any employee, student or applicant for admission who feels that he or she has been the victim of sexual harassment, and any employee, student or other person witnessing an incident of sexual harassment should report the incident immediately. Reports, complaints, problems, grievances and questions should be reported to one of the university's personnel designated as Sexual Harassment Appeal Officers (see Policy 712.31).

When one of the Sexual Harassment Appeal Officers is the alleged offending party, or if the employee or the student is uncomfortable reporting the incident to him (or her), or if it would be inappropriate to discuss the matter with him (or her), it should be reported to the other Sexual Harassment Appeal Officers.

4.2 Filing of Reports of Complaints

The Sexual Harassment Appeal Officers, upon receipt of a complaint, shall prepare a written summary of the reported incident(s) based on discussions with the complainant. The complainant will be asked, but not required, to initial that summary as a means of verifying the facts.

4.3 Action Pending Investigation of a Complaint

Upon receipt of a sexual harassment complaint, the Sexual Harassment Appeal Officers shall notify the alleged offender. If the alleged offender is a Concordia employee, his or her supervisor will be notified of the alleged offense. The individuals involved will be notified that a sexual harassment complaint has been received and will be investigated in a confidential manner. Depending on the seriousness of the complaint, interim measures, including suspension of the alleged offender from work with pay, if determined by the Sexual Harassment Appeal Officers to be appropriate, may be taken before the complaint is fully investigated. All persons notified will be asked to maintain confidentiality. In addition to the above temporary actions, the administrative staff of Concordia University and all officers shall comply with any reporting and other requirements of federal, state and local laws and regulations.

4.4 Investigation of Complaint

The Sexual Harassment Appeal Officers or a designated management employee will investigate the complaint by questioning the alleged offender and any witnesses identified by the complainant. After a thorough investigation, the investigator will prepare a written report stating the investigator's conclusions. That report will include the complainant's name, a copy of the complaint, the names of any witnesses and their testimony, the name of the alleged offender,

and the investigator's ultimate determination and recommended disposition of the complaint, including any corrective action.

4.5 Action on Investigative Findings

If the investigation substantiates the complaint, corrective action will be taken. This may include, but is not limited to: warning, reprimand, expulsion, dismissal, demotion, transfer of the alleged offender, or a disciplinary notice in the personnel file of the alleged offender.

Prior to the implementation of any such corrective action, the alleged offender will be given the opportunity to rebut the investigation findings in the interview conducted by the investigator, and which also may include the Sexual Harassment Appeal Officers and the supervisor of the alleged offender. In addition, any corrective action shall be taken only following any hearing and appeals procedures that apply to the individual alleged offender and the action to be taken.

If the results of the investigation do not substantiate the complaint, both the complainant and the alleged offender will be so advised.

4.6 Appeal Procedure

If the complainant or the alleged offender is not satisfied with the action on the investigative findings, he or she may appeal the case by the provision outlined in Policy 719.1, Appeal Procedure.

4.7 Recording of Investigative Materials

The personnel file of the alleged offender will state that an investigation was made and indicate the final outcome of the investigation. In addition, a confidential file shall be established for every sexual harassment complaint made. They shall include for each incident:

- a. the complainant's name, an initialed copy of the complaint as described by the complainant, the names of witnesses and their testimony, and the name of the alleged offender;
- b. a copy of the Investigative Report and determination of fact and recommendations made;
- c. an indication of the disposition of the complaint, including any appeal process findings and disposition.

These files shall be indexed by alleged offender(s), complainant(s), and complaint date. All such files shall be under the direct personal control of the Vice President for Administration. All file access shall be approved by the Vice President for Administration.

5. EVALUATION

The Sexual Harassment policy shall be evaluated periodically by the Administrative Council.

Military Active Duty

Faculty Approved _____

BOR Adopted _____

EPC Approved _____

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1. DESCRIPTION

Concordia recognizes the valuable service provided our country through the military reserve system, both state and federal. This policy addresses the options available to a student who is a member of, or the spouse of a student if the student has a dependent child, who is an member of a reserve unit ordered to active duty or service.

2. OPTIONS

2.1 Withdraw from the student's entire registration and receive a full refund of tuition and mandatory fees for the course(s).

2.2 Make arrangements with the student's instructors for course grades, or for incompletes that shall be completed by the student at a later date. If such arrangements are made, the student's registration shall remain intact and tuition and mandatory fees shall be assessed for the courses in full.

2.3 Make arrangements with only some of the student's instructors for grades, or for incompletes that shall be completed by the student at a later date. If such arrangements are made, the registration for those courses shall remain intact and tuition and mandatory fees shall be assessed for those courses. Any course for which arrangements cannot be made for grades or incompletes shall be considered dropped and the tuition and mandatory fees for the course refunded.

3. PROCEDURES

3.1 Upon call to active duty, the student shall inform the instructor of the situation and work with the instructor to determine the most appropriate option for completion of the course(s).

3.2 This decision shall put in writing, signed by instructor(s) and student, and submitted by the student to Registrar's Office for implementation.