



2020 Annual Security and Fire  
Des Moines Center

## Important Phone Numbers

The following are numbers you might need for various purposes:

Emergency -----	911
Center Administration-----	(515) 225-1800
On Site Security Company-----	(515) 277-7437
Assistant VP for Student Life-----	(563) 425-5765
Assistant Dean of Student Life-----	(563) 425-5765
Title IX Coordinator -----	(563) 425-5959
Upper Iowa University Counseling Services -----	(563) 425-5786
University Information -----	(563) 425-5200
Iowa Health Department-----	(515) 281-7689
Police-----	(515) 222-3320
Sheriff-----	(515) 286-3306
IowaCASA -----	(515) 244-7424
Poison Information Center -----	(800) 222-1222
National Suicide Prevention Lifeline -----	(800) 273-8255
Boys & Girls Town National Hotline -----	(800) 448-3000
Rape, Abuse & Incest National Network (RAINN) Hotline	(800) 656-4673
National Domestic Violence Hotline -----	(800) 799-7233

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## Campus Safety

### Mission

To provide a safe and secure environment conducive to promoting a respectful and educational atmosphere for all members and guests of the campus community.

Center Safety is managed by the center director of each respective center. The administrator of each center provides assistance during “regular business hours” and relies upon local law enforcement agencies to provide security during non-business hours. When classes are in session, UIU contracts with a private security company to provide on-site security while students are present. Members of the center community are directed to contact 911 for assistance with security issues.

For information on Campus Police, refer to the Upper Iowa University Campus Police website at <https://uiu.edu/support/emergency-preparedness/campus-police.html>

Questions and concerns regarding campus security may be directed to the Assistant Vice President for Student Life at (563) 425-5765.

### Clery Act

The Annual Security Report (ASR) is published annually in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, commonly referred to as the “Clery Act” (HEOA Public Law 110-315). Keeping students, parents, and employees well informed about campus security and safety in compliance with the Clery Act requires the University to disclose crime and fire statistics for specific crimes. The Office of Student Life is responsible for preparing and publishing the ASR and crime statistics as well as reporting crime statistics to the U.S. Department of Education in compliance with the Clery Act.

Crime statistics from several sources, including but not limited to crimes reported to Campus Police, Residential Life, a campus security authority, and those reported by the Fayette Police Department, can be accessed through the Assistant Vice President for Student Life. Crime statistics for nationwide centers can be accessed through the director of each center, each of whom is responsible for requesting crimes statistics from respective law enforcement authorities in their respective jurisdictions.

A statement of availability provides directions for viewing the Annual Security Report and Crime Statistics on the Campus Safety website. The statement of availability is distributed electronically to students and employees annually. Potential and current students can access the statement of availability by viewing our website. A hard copy of the Annual Security Report and Crime Statistics may be obtained from the Office of the Assistant Vice President for Student Life. For the Campus Crime and Fire Statistics, you may refer to the following website link: <http://www.uiu.edu/support/emergency-preparedness/security-reports- location.html>

## Reporting Crimes and Emergencies

Criminal investigations and arrests will be conducted by the local law enforcement agency or presiding authorities. Upper Iowa University administrators will use all reasonable means to gather information about crimes, hazards or related incidents that occur on all property owned or controlled by Upper Iowa University, after which they are to report those incidents to the appropriate agency.

All crime victims are encouraged to report incidents to the University administration regardless of how insignificant the crime. In the case of emergency, call 911 to report the emergency and then call the campus administration office. In the case of a non-emergency crime, call the campus administration and the staff member will assist in determining if it is necessary to contact other authorities. If the incident occurred during non-regular hours and is not an emergency, it should be reported to the administration office the following day of business. Crimes may be reported to 911, the local law enforcement agency or to the campus administration. Reports are not collected from off-campus student organizations or off-campus housing facilities as none are maintained, controlled, or recognized by the institution.

### Voluntary, confidential reporting:

Upper Iowa University procedures allow victims or witnesses to report crimes on a voluntary, confidential basis. Victims or witnesses who wish to report on a voluntary, yet confidential basis may report to the office of Campus Police with assurance appropriate measures are taken to keep all information confidential. Those reporting must understand the assurance does not extend to an investigation conducted by the local police department or any other law enforcement agency.

The University encourages victims of discrimination, harassment, or sexual misconduct to talk to somebody about what happened so that they are able to get the support they need and so the University can respond in an appropriate manner. It is important that individuals wishing to talk to somebody understand different employees on campus have different abilities to maintain a victim's confidentiality under Title IX and other related federal and state guidelines. If you wish your identity and the details of an incident of discrimination or harassment to be kept confidential, you may find it helpful to speak with a campus mental health counselor, victim services coordinator (Project Stand UP Coordinator), or off-campus rape crisis resources or clergy members who can maintain confidentiality. Upper Iowa University students may utilize counseling services and can be contacted on an emergency basis if needed. Such services are available free of charge.

You may wish to consider this option if you:

- Would like to know about support and assistance, but are not sure if you want to pursue formal action against the individual, or
- Have questions or would like to process what happened with someone without involving police or campus disciplinary procedures, or
- Do not want the alleged perpetrator to know that you are seeking help or support.

NOTE: Please be aware that even confidential resources have some obligations to report, such as in situations of imminent danger and/or sexual abuse of a minor.

Never assume someone else has made the call when you encounter an emergency. If you call 911, provide the dispatcher with as much detailed information as possible. Stay on the line until the

dispatcher terminates the call or provides you with other instructions. If you are calling 911 about another person's emergency, ask someone else (if available) to stay with the victim while you make the call.

Campus community members are encouraged to act quickly when reporting crimes that occur within the jurisdiction of the University. Prompt reporting decreases the chance of losing evidence and provides law enforcement officers with an opportunity to take necessary action that will enhance the safety and security of the campus community.

## Campus Security Authority (CSA)

CSAs are individuals at the University who, because of their function for the University, have an obligation under the Clery Act to notify the University of alleged Clery Act crimes that are reported to them in good faith, or alleged Clery Act crimes that they may personally witness.

"Clery Act Crimes" are defined by the Clery Act as any of the following: (1) Criminal Homicide; (2) Aggravated Assault; (3) Sex Offense, Forcible; (4) Sex Offense, Non-forcible; (5) Burglary; (6) Robbery; (7) Motor Vehicle Theft; (8) Arson; (9) Hate Crimes, including Larceny-Theft, Simple Assault, Intimidation, or Destruction/Damage/Vandalism of property that are motivated by bias; (10) Arrests and referrals for disciplinary action for any of the following: (a) Liquor Law Violations; (b) Drug Law Violations; and (c) Carrying and possessing illegal weapons; (11) Dating Violence; (12) Domestic Violence; and (13) Stalking.

"Clery Geography" includes the University's campuses, public property within or immediately adjacent to its campuses, and non-campus buildings or property that the University owns, leases or controls.

Crimes may be reported to any University employee who then will begin a follow-up process or contact an appropriate designee to start a follow-up process to assist in the investigation if deemed necessary. Below is additional contact information for a few of our CSA's.

- Campus Police (Main Campus) (563) 425-5372
- Assistant VP for Student Life (563) 425-5765
- Title IX Coordinator (563) 425-5959
- Assistant Dean of Student Life (563) 425-5209
- Human Resources (800) 553-4150
- Center Security (515) 277-7437
- Center Administration (515) 225-1800

A high percentage of campus crimes are incidents of opportunity. Crime prevention methods can be effective in reducing the number of crimes and all campus community members play an essential role in the practice of incorporating those preventive methods. A good practice is to maintain constant awareness of surroundings, walk in pairs or groups, and protect personal possessions and University property by securing all items prior to leaving any area.

## Preserving Evidence:

It is vital for any criminal investigation to preserve all evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order or other significant

court ordered actions. To ensure the integrity of the evidence is protected, such evidence should be collected by a law enforcement officer and preserved in a manner that complies with the policies of the collecting law enforcement agency. All victims or witnesses of a crime are encouraged to contact local law enforcement immediately and avoid contact with, washing, or cleaning any items, material or bodily fluids that might be considered evidence of the criminal act.

## Records:

The offices of Campus Police and Assistant Vice President for Student Life will complete publicly available recordkeeping, including for the purpose of Clery Act reporting and disclosure, without the inclusion of identifying information about the victim; and maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures. Crime Statistics may be viewed at <http://www.uiu.edu/support/emergency-preparedness/security-reports-location.html> or by contacting the Campus Police at (563) 425-5372.

## Assistance, Services, and Accommodations:

Upper Iowa University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services available for victims within the institution and in the community. Upper Iowa University will provide written notification to victims about options for, and available assistance in, changing transportation and working situations, in addition to academic and living situations. The institution will make these accommodations if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. This information is provided to all students.

## Campus Emergency Response Procedures

To provide a safe and secure campus environment, an Upper Iowa University Emergency Operation Plan has been developed to establish guidelines for an organized emergency response. This University Emergency Operation Plan consists of several University officials who are responsible for the direction of response activities as well as preparation plans and training events.

## Timely Warnings:

The Office of Communications and Marketing (OCM) is responsible for disseminating timely warnings in compliance with the Clery Act. When there has been a report of a serious crime occurring on campus property that represents a serious or continuing threat to students, employees or the campus community, a timely warning will be issued by the Office of Communications and Marketing (OCM) or a campus official delegated by those offices to provide such a warning. The tools used to communicate the warning may include, but not be limited to Upper Iowa University Alert mass notification system, campus e-mail, campus website, postings on bulletin boards and personal contact with campus officials.

## Emergency Notifications:

Providing fast and accurate information to the campus community is one of the most important aspects in responding to an emergency. To ensure this information is provided in the most effective

and efficient method, Upper Iowa University has incorporated an emergency alert system called UIU ALERT. The system, specifically used to send emergency notifications upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, can deliver notifications to the student, faculty or staff member's Upper Iowa University email address and personal mobile device. Emergency messages are broadcast over the campus phone system and display the emergency information on the University website <http://www.uiu.edu/support/emergency-preparedness/>.

The procedures Upper Iowa University will use to immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus include the following:

- *Confirm* there is a significant emergency – - Center director or the supervisor of Security will make the appropriate calls to verify the information is valid. Verification of the information will be completed by contacting the local Police Department/Fire Department or the initial reporting person. If verification has been successful, the information will be considered valid. The appropriate authorities will be contacted for all valid emergencies.
- *Determine* the appropriate segment of the campus community to receive the notification - The Director of Facilities Management Services and OCM will determine the segment or segments of the campus to be notified. Notifications will be sent to the entire campus in the event of an emergency unless it is determined only a segment of the campus community should receive the notification. The Assistant Vice President for Student Life may activate an isolated alert to Residential Facilities after determining such an alert is necessary for that segment of the campus community.
- *Determine* the content of the notification – The OCM Office will determine the content of the notification. Initial notifications are pre-set or pre-recorded in the UIU Alert system. Subsequent messages will be sent upon determination of necessity by Campus Police, the Director of Facilities Management Services or the Assistant Vice President for Student Life.
- *Initiate* the notification system - The OCM Office will activate the UIU Alert System. The University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.
- *Initiate* procedures to secure the campus - Campus Police, with the assistance of the Director of Facilities, will take appropriate actions to secure the campus. Procedures include, but are not limited to, securing buildings, directing students, faculty, and staff to safe locations, establishing and maintaining open lines of communication and providing direct assistance to all community members.
- *Establish* a command and communications network - Authorities will establish a designated command center to coordinate with local authorities, communicate with the campus community members and disseminate information to the larger community through media and other means.

*(Please refer to the UIU Emergency Operations Plan for additional details)*



## Evacuation Procedures:

Evacuation maps for fires and severe weather are posted on walls throughout center buildings. Evacuations for other emergency situations will be based on the situation and instructions will be provided by the emergency notification systems. There is no mandate for primary lock down or evacuation. Each situation will be evaluated, and appropriate instructions will be provided to the campus community through the ENS and/or direct contact.

## Emergency Response and Evacuation Assessment:

Evaluating response and evacuation procedures is a vital element in ensuring a safe and secure environment on campus. The Director of Facilities Management Services does an annual assessment of those procedures by conducting an annual scheduled test during each school year. The test includes a coordinated exercise of drills and activities designed to increase awareness of emergency procedures and allow evaluation of performance capabilities. The primary goal is to prepare the campus community for the proper reaction to an emergency and provide the Director of Facilities Management Services information necessary to improve any deficiencies.

Emergency response and evacuation procedures are described in the Upper Iowa University Emergency Operation Plan. The procedures will be provided to all campus community members in conjunction with the annual test. A description of the exercise along with the date, time, announcement, and results will be documented and maintained by the Director of Facilities Management Services.

## Crime Prevention

The following list includes various methods of crime prevention:

- Be aware of your surroundings and what is going on around you.
- Keep a list of campus phone numbers with you or on your phone.
- Do not prop open residence hall doors.
- Do not leave personal property unattended.
- Report suspicious individuals to Campus Police.
- Keep your room locked at all times
- Walk with a friend or in a group.
- Stay on main walkways.
- Remove valuables from your car and lock it.
- Engrave your valuables.
- Attend University-sponsored programs on self-defense.
- Always carry your University identification card.

Campus Police offers a variety of group discussions and presentations related to safety and security awareness throughout the academic year. If you assume responsibility for your own safety first and encourage others to do the same, the opportunities for crime are drastically reduced.

## Campus Facility Access and Maintenance

Most buildings on the campus are open only when classes are in session or during regular business hours.

Employees who have a key to a center building and plan to work after normal working hours are encouraged to contact appropriate administrator and notify them to their presence the center. A theft or loss of assigned keys should be reported immediately to the person who issued the keys. Keys are assigned and are not to be loaned out for any reason. The person to whom the keys are assigned is solely responsible for those keys.

An authorized individual entering or leaving a locked building must not allow any unauthorized individual to enter that building. Authorized personnel may have guests with them as long as the guest stays near faculty and staff members who have an assigned key, and the authorized individual assumes full responsibility for their presence. An individual entering or leaving a secured building shall be responsible for checking the door to ensure it is secured.

Maintenance of all facilities is the responsibility of the facility owner or a contracted service provider. Fire safety systems (fire sprinkler systems, fire doors, fire extinguishers, etc.) are inspected regularly by the facility owner or a contracted service provider. Inspections and maintenance of backflow valves on fire sprinkler systems are completed by the facilities owner or a contracted service provider. The facility owner or a contracted service provider are responsible for inspecting all egress lighting, pathways, mechanical rooms and reporting any malfunctions or mechanical problems observed that would create an unsafe situation. Campus community members are encouraged to report maintenance or safety problems to the facility administration.

## Policies and Programs Concerning Alcohol and Other Drugs

The University provides education, outreach, and referral services for the prevention of alcohol and other drug abuse through Student Life.

The office of Student Life offers students awareness and educational programs regarding safety and security. Many of these programs are offered in coordination with Campus Police and the local police department.

The following statutes and policies apply to all members of the Upper Iowa University campus community:

- Under state law, anyone under 21 years of age who buys, attempts to buy or is in possession of alcohol can be charged with a misdemeanor and may be subject to a fine, jail sentence or both. Further, any underage individual who consumes alcohol in or around a licensed dealer or establishment or uses falsified identification to obtain alcohol may be charged with a misdemeanor with the same penalties.
- Upper Iowa University policy prohibits the possession, use, distribution and sale of alcohol and illicit drugs by Upper Iowa University students and employees on the University-owned property and at University sponsored or supervised events. Empty alcohol containers are not allowed in the residence halls, and students will be disciplined for behavior resulting from intoxication.

- The President of Upper Iowa University retains the authority to make exceptions to this policy as it pertains to the serving of wine and/or beer at University functions where meals are served. Requests for exceptions to this policy must be submitted to the president's office in writing prior to the event and will be considered on an individual basis. Notification of the president's decision will be made in writing to the person(s) making the request.
- The University regards possession, distribution or use of illegal drugs as a direct violation of University rules and the law. Representatives of the University will work with outside authorities to enforce existing federal and state laws regarding illegal drugs. (Additional information may be found in the Drug Free Workplace Policy and the Drug-Free Schools and Communities Act Substance Abuse Policy.
- The possession, use or sale of firearms, ammunition, fireworks, major and minor explosives or any other lethal weapons not described herein is forbidden on University property and subject to disciplinary action.

## Programs on Awareness and Prevention

The University is committed to supporting students, staff, and faculty regarding issues related to sexual misconduct. The University makes known its sexual misconduct procedure to students, faculty, and employees by using such means as student, faculty, and employee handbooks, residence hall and general student meetings, faculty and employee meetings, orientation programs, the University website, newsletters, and other efforts as deemed appropriate.

Upper Iowa University engages in multiple programs that promote awareness and prevention of misconduct. Training for incoming students, faculty, staff, and all constituents includes but is not limited to the following:

### Primary Prevention Programs:

- Bystander intervention: including options for bystanders if they witness events defined within the procedure.
- Risk reduction and personal safety
- Student's rights for reporting/hearing and outcomes of sexual misconduct
- The definitions of sexual misconduct and consent
- Reporting procedures and policies held by the University

Written information on sexual misconduct will be distributed regularly to all students, staff, faculty, Residence Life staff members and campus police and security staff members receive training in survivor sensitivity and the college's philosophy and procedures in dealing with sexual misconduct. Student Development in coordination with the Title IX Coordinator provides ongoing campus sexual misconduct awareness programs. The Safety and Security Department offers several programs to raise security consciousness and overall safety for members of the college community. Faculty members are encouraged to discuss the issue in their classes and residence life staff sponsor programs for residents. Each year sexual assault awareness and prevention is discussed during new student orientation. Contact Student Life for more information on these programs.

## Other Opportunities to Educate All Students Include:

- Media campaign called “SSS: See Something, Say Something, Stand UP,” which is designed to encourage students to intervene.
- Residence Life collaborates with Counseling and Wellness Services to present structured monthly programs to educate residents on the signs of gender-based violence, to communicate strategies to minimize risk and to increase knowledge related to gender-based violence. These programs are both active and passive programming opportunities.
- Counseling and Wellness Services will present bystander intervention education as additional training sessions held for specific populations including, first-year experience mentors, athletic mentors, Greek clubs and other groups upon request.
- The Athletic Department holds an annual MVP training for student athletes in addition to the above efforts.
- All students throughout the Upper Iowa University community are to complete online sexual assault training modules available through the Human Resource Department as offered by SafeColleges annually.

## Ongoing Training to Staff, Faculty and Constituents:

Training on Campus SaVE Act, sexual assault, domestic violence, relationship violence, stalking, and sexual harassment is completed by the Human Resources department. All staff and faculty are required to complete online sexual assault training modules available through the Human Resource Department as offered by SafeColleges annually.

## Advisory and Educational Programs Committee:

At the beginning of each academic year, in conjunction with Human Resources and Student Development, will appoint a committee consisting of the following members to serve on the Advisory and Educational Programs Committee. The committee will be made up of 1) two faculty appointed by the chair of the faculty 2) the Vice President for Human Resources 3) two students selected by the Assistant Vice President of Student Life 4) Director of Counseling and Wellness Services. The Director of Counseling and Wellness Services will chair the committee. The committee will report to the Vice President for Academic and Student Affairs.

The purposes of the Advisory and Educational Programs Committee are to 1) serve as the coordinating body for the programs on sexual misconduct, 2) make recommendations for change or revision of the sexual misconduct procedure or procedures, 3) oversee the education effort to inform the University community about sexual misconduct, and 4) oversee reporting obligations for following the Clery Act and Campus Save Act.

## Crime Statistics

Upper Iowa University Campus Police believes the community has the right to know about criminal incidents on campus. We believe that by reviewing the statistics, you can make an educated decision about choices to stay safe. To maintain a proactive practice in campus crime prevention, we encourage all members of the campus community to immediately report any crimes or suspicious activity.

Federal law requires colleges and universities to disclose statistics on specific crimes that may occur on campus. The specific crimes are classified by the FBI Uniform Crime Report and definitions for those crimes are listed below:

### PRIMARY CRIMES

#### Murder:

- *Murder and non-negligent manslaughter*: The willful (non-negligent) killing of one human being by another.
- *Negligent Manslaughter*: The killing of another person through gross negligence.

#### Sex Offenses:

Definition: Any sexual act directed against another person without the consent of the victim, including instances where the victim is incapable of giving consent.

- *Sex Offenses - Rape*: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
- *Sex Offenses – Fondling*: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of his or her temporary or permanent mental incapacity.
- *Sex Offenses – Incest*: Non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Sex Offenses – Statutory Rape*: Non-forcible sexual intercourse with a person who is under the statutory age of consent.

**Definition of Consent:** Consent is sexual permission. Consent is active, not passive. Consent can be given by word or action, as long as those words or actions are clear, knowing, and voluntary, and create mutually understandable and clear permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot be automatically taken as consent to any other form of sexual activity. Previous relationships or prior consent cannot imply consent to future sexual acts. Consent can be withdrawn, once given, through word or action. Consent may be withdrawn by any word or action that a reasonable person, sober and exercising good judgment, would understand to withdraw consent.

## Other Crimes:

- Theft: The taking or attempting to take anything of value from the care, custody or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- Simple/Serious/Aggravated Assault: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- Burglary: The unlawful entry of a structure or room to commit a felony or a theft.
- Motor vehicle theft: The theft or attempted theft of a motor vehicle.
- Arson: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

## Hate Crimes:

Definition: A criminal offense committed against a person or property which is motivated, in whole or in part, by the offender's bias.

- Larceny-theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. (Hate crime reporting only.)
- Simple assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness. (Hate crime reporting only.)
- Disorderly Conduct/Harassment: To unlawfully place another person in reasonable fear of bodily harm using threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack. (Hate crime reporting only.)
- Vandalism (destruction or damage) of property (except arson): To destroy willfully or maliciously, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it. (Hate crime reporting only.)

**Hate Crimes:** Any of the aforementioned offenses and any other crime involving bodily injury reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias. The categories of bias are the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

## Arrests and Referrals for Disciplinary Action:

- Weapons Possession: Violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons.
- Drug/Narcotic Law Violations: Violations of state and local laws, specifically those for the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
- Alcohol Law Violations: Violations of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages (does not include arrests for driving while impaired or under the influence of alcohol).

## Violence Against Women Act (VAWA): Definitions per UCR

- **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - The existence of such a relationship would be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - For the purpose of this definition:
    - Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - Dating violence does not include acts covered under the definition of domestic violence.

*State of Iowa: Dating violence is **not** further defined by Iowa law.*

- **Domestic Violence:** A felony or misdemeanor crime of violence committed
  - By a current or former spouse or intimate partner of the victim;
  - By a person with whom the victim shares a child in common;
  - By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or
  - By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to
  - Fear for the person's safety or the safety of others; or
  - Suffer substantial emotional distress.
  - Terrorize, frighten, intimidate, or threaten to cause serious bodily injury to that person or their family or has knowledge that the act would cause the same above.

*For the purpose of this definition:*

- **Course of conduct** means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- **Substantial emotional distress** means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- **Reasonable person** means a reasonable person under similar circumstances and with similar identities to the victim.

## Important Terms and Definitions:

- **Clery:** Short for "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act." In memory of a student who was slain in her dorm room in 1986, this Act, along with subsequent amendments to the Higher Education Act of 1965 (HEA), requires all postsecondary

institutions participating in HEA's Title IV student financial assistance programs to disclose campus crime statistics and security information.

- **Clery Geography:** Referring collectively to the physical locations for which an institution is responsible for collecting reports of crimes for inclusion in its annual crime statistics and, if applicable, its daily crime log. For the purposes of the annual crime statistics and daily crime log, it includes areas that meet the definitions of "campus," "non-campus building or property," or "public property."
  - *Campus:* Any building or property owned or controlled by an institution within the same contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and Any building or property that is within or contiguous to paragraph (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).
  - *Non-campus buildings or property:* Any building or property owned or controlled by a student organization that is officially recognized by the institution; or Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same contiguous geographic area of the institution.
  - *Public property:* All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.
- *Federal Bureau of Investigation's (FBI) Uniform Crime Reporting (UCR) program (FBI's UCR program):* A nationwide, cooperative statistical effort in which city, university, and college, county, State, Tribal and Federal law enforcement agencies voluntarily report data on crimes brought to their attention.
- *Title IX:* The Education Amendments of 1972 ("Title IX"), 20 U.S.C. Sections 1881 et seq., and its soon to be implemented regulations, 34 C.F.R. Part 106. Address the issues of sexual harassment, sexual discrimination, sexual misconduct, and sexual violence in a collegiate environment.
- *Consent:* The affirmative, unambiguous, and voluntary agreement to engage in a specific sexual activity during a sexual encounter. Under this definition, an individual who was asleep, or mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason, or who was under duress, threat, coercion, or force, would not have been able to give consent. Further, one would not be able to infer consent when consent was not clear, including, but not limited to the absence of "no" or "stop," or the existence of a prior or current relationship or sexual activity.
- *Hate Crime:* A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias. The categories of bias are the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability



- *Hierarchy Rule*: The requirement in the FBI's UCR program that, for purposes of reporting crimes in that system, when more than one criminal offense is committed during a single incident, only the most serious offense is to be included in the institution's Clery Act statistics.
- *Programs To Prevent Dating Violence, Domestic Violence, Sexual Assault and Stalking*: Comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that are culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs and informed by research or assessed for value, effectiveness, or outcome. These programs must also consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.
- *Dating Violence*: See definition in the section on Violence Against Women Act (VAWA).
- *Domestic Violence*: See definition in the section on Violence Against Women Act (VAWA).
- *Stalking*: See definition in the section on Violence Against Women Act (VAWA).
- *Awareness Programs*: Programs developed and implemented by the institution to increase individual and group awareness of specific or general concerns. (Example: Sexual Assault awareness programs to increase awareness of indicators, threats, and avoidance techniques.)
- *Bystander Intervention*: Programs designed to provide students and staff with tools needed to recognize and effectively intervene in any situation where someone may be in danger.
- *Ongoing Prevention and Awareness Campaigns*: Programs designed to focus on acts of criminal nature run continually, provide information and resources regarding prevention methods, and increase awareness of potential victims.
- *Primary Prevention Programs*: Programs implemented as the institution's primary attempt to prevent dating violence, domestic violence, sexual assault, stalking or any other criminal activity. (See Programs to Prevent Dating Violence, Domestic Violence, Sexual Assault, and Stalking.)
- *Risk Reduction*: A strategy implemented by the institution to decrease the potential for students and staff of becoming victims of criminal activity.

## Violence Against Women Act (VAWA): Definitions for the State of Iowa: Sexual Assault:

Sexual Assault is further defined by the State of Iowa criminal statutes as:

### **709.1 Sexual abuse defined**

Any sex act between persons is sexual abuse by either of the persons when the act is performed with the other person in any of the following circumstances:

1. The act is done by force or against the will of the other. If the consent or acquiescence of the other is procured by threats of violence toward any person or if the act is done while the other is under the influence of a drug inducing sleep or is otherwise in a state of unconsciousness, the act is done against the will of the other.
2. Such other person is suffering from a mental defect or incapacity which precludes giving consent or lacks the mental capacity to know the right and wrong of conduct in sexual matters.
3. Such other person is a child.

Incapacitation means a person is disabled or deprived of ability, as follows:

1. “Mentally incapacitated” means that a person is temporarily incapable of appraising or controlling the person’s own conduct due to the influence of a narcotic, anesthetic, or intoxicating substance.
2. “Physically helpless” means that a person is unable to communicate an unwillingness to act because the person is unconscious, asleep, or is otherwise physically limited.
3. “Physically incapacitated” means that a person has a bodily impairment or handicap that substantially limits the person’s ability to resist or flee.

#### **709.1A Resistance to Sexual Abuse.**

Under the provisions of this law, it shall not be necessary to establish physical resistance by a person in order to establish that an act of sexual abuse was committed by force or against the will of the person. However, the circumstances surrounding the commission of the act may be considered in determining whether or not the act was done by force or against the will of the other.

The term “sex act” or “sexual activity” means any sexual contact between two or more persons by penetration of the penis into the vagina or anus; contact between the mouth and genitalia or by contact between the genitalia of one person and the genitalia or anus of another person; contact between the finger or hand of one person and the genitalia or anus of another person, except in the course of examination or treatment by a person licensed pursuant to chapter 148, 148C, 151, or 152; ejaculation onto the person of another; or by use of artificial sexual organs or substitutes therefore in contact with the genitalia or anus.

#### **Penalties for Sexual Abuse**

##### **709.2 Sexual abuse in the first degree.**

1. A person commits sexual abuse in the first degree when in the course of committing sexual abuse the person causes another serious injury.
2. Sexual abuse in the first degree is a class “A” felony.

##### **709.3 Sexual abuse in the second degree.**

A person commits sexual abuse in the second degree when the person commits sexual abuse under any of the following circumstances:

1. During the commission of sexual abuse, the person displays in a threatening manner, a dangerous weapon, or uses or threatens to use force creating a substantial risk of death or serious injury to any person.
2. The other person is under the age of twelve.
3. The person is aided or abetted by one or more persons and the sex act is committed by force or against the will of the other person against whom the sex act is committed.

Sexual abuse in the second degree is a class “B” felony.

#### **709.4 Sexual Abuse in the third degree.**

A person commits sexual abuse in the third degree when the person performs a sex act under any of the following circumstances:

1. The act is done by force or against the will of the other person, whether or not the other person is the person's spouse or is cohabiting with the person.
2. The act is between persons who are not at the time cohabiting as husband and wife and if any of the following are true:
  - a. The other person is suffering from a mental defect or incapacity which precludes giving consent.
  - b. The other person is twelve or thirteen years of age.
  - c. The other person is fourteen or fifteen years of age and any of the following are true:
    - i. The person is a member of the same household as the other person.
    - ii. The person is related to the other person by blood or affinity to the fourth degree.
    - iii. The person is in a position of authority over the other person and uses that authority to coerce the other person to submit.
    - iv. The person is four or more years older than the other person
  - d. The act is performed while the other person is under the influence of a controlled substance, which may include but is not limited to flunitrazepam, and all of the following are true:
    - i. The controlled substance, which may include but is not limited to flunitrazepam, prevents the other person from consenting to the act.
    - ii. The person performing the act knows or reasonably should have known that the other person was under the influence of the controlled substance, which may include but is not limited to flunitrazepam.
  - e. The act is performed while the other person is mentally incapacitated, physically incapacitated, or physically helpless.

Sexual abuse in the third degree in a class "C" felony.

#### **709.11 Assault with Intent to commit sexual abuse.**

Any person who commits an assault, as defined in section 708.1, with the intent to commit sexual abuse:

1. Is guilty of a class "C" felony if the person thereby causes serious injury to any person.
2. Is guilty of a class "D" felony if the person thereby causes any person a bodily injury other than a serious injury.
3. Is guilty of an aggravated misdemeanor if no injury results.

## Domestic Violence:

**708.2 Domestic abuse assault** as defined by Iowa State Criminal Law – mandatory minimums, penalties enhanced – extension of the no-contact order.

1. For the purposes of this chapter, “domestic abuse assault” means an assault, as defined in section 708.1, which is domestic abuse as defined in section 236.2, subsection 2, paragraph “a”, “b”, “c”, or “d”.
2. On the first offense of domestic abuse assault, the person commits:
  - a. A simple misdemeanor for a domestic abuse assault, except as otherwise provided.
  - b. A serious misdemeanor, if the domestic abuse assault causes bodily injury or mental illness.
  - c. An aggravated misdemeanor, if the domestic abuse assault is committed with the intent to inflict a serious injury upon another, or if the person uses or displays a dangerous weapon in connection with the assault. This paragraph does not apply if section 708.6 or 708.8 applies.
  - d. An aggravated misdemeanor, if the domestic abuse assault is committed by knowingly impeding the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of the other person.
3. Except as otherwise provided in subsection 2, on a second domestic abuse assault, a person commits:
  - a. A serious misdemeanor, if the first offense was classified as a simple misdemeanor, and the second offense would otherwise be classified as a simple misdemeanor.
  - b. An aggravated misdemeanor, if the first offense was classified as a simple or aggravated misdemeanor, and the second offense would otherwise be classified as a serious misdemeanor, or the first offense was classified as a serious or aggravated misdemeanor, and the second offense would otherwise be classified as a simple or serious misdemeanor.
4. On a third or subsequent offense of domestic abuse assault, a person commits a class “D” felony.
5. For a domestic abuse assault committed by knowingly impeding the normal breathing or circulation of the blood of another by applying pressure to the throat or neck of the other person or by obstructing the nose or mouth of the other person, and causing bodily injury, the person commits a class “D” felony.
  - a. A conviction for, deferred judgment for, or plea of guilty to, a violation of this section which occurred more than twelve years prior to the date of the violation charged shall not be considered in determining that the violation charged is a second or subsequent offense.
  - b. For the purpose of determining if a violation charged is a second or subsequent offense, deferred judgments issued pursuant to section 907.3 for violations of section 708.2 or this section, which were issued on domestic abuse assaults, and convictions or the equivalent of deferred judgments for violations in any other states under statutes substantially corresponding to this section shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses

substantially equivalent to the offenses defined in this section and can, therefore, be considered corresponding statutes. Each previous violation on which conviction or deferral of judgment was entered prior to the date of the offense charged shall be considered and counted as a separate previous offense.

- c. An offense shall be considered a prior offense regardless of whether it was committed upon the same victim.
6. A person convicted of violating subsection 2 or 3 shall serve a minimum term of two days of the sentence imposed by law, and shall not be eligible for suspension of the minimum sentence. The minimum term shall be served on consecutive days. The court shall not impose a fine in lieu of the minimum sentence, although a fine may be imposed in addition to the minimum sentence. This section does not prohibit the court from sentencing and the person from serving the maximum term of confinement or from paying the maximum fine permitted pursuant to chapters 902 and 903, and does not prohibit the court from entering a deferred judgment or sentence pursuant to section 907.3, if the person has not previously received a deferred sentence or judgment for a violation of section 708.2 or this section which was issued on a domestic abuse assault.
  - a. A person convicted of violating subsection 4 shall be sentenced as provided in section 902.9, subsection 1, paragraph “e”, and shall be denied parole or work release until the person has served a minimum of one year of the person’s sentence. Notwithstanding section 901.5, subsections 1, 3, and 5, and section 907.3, the person cannot receive a suspended or deferred sentence or a deferred judgment; however, the person sentenced shall receive credit for any time the person was confined in a jail or detention facility following the arrest.
7. If a person is convicted for, receives a deferred judgment for, or pleads guilty to a violation of this section, the court shall modify the no-contact order issued upon initial appearance in the manner provided in section 664A.5, regardless of whether the person is placed on probation.
8. The clerk of the district court shall provide notice and copies of a judgment entered under this section to the applicable law enforcement agencies and the twenty-four-hour dispatcher for the law enforcement agencies, in the manner provided for protective orders under section 236.5. The clerk shall provide notice and copies of modifications of the judgment in the same manner.
9. In addition to the mandatory minimum term of confinement imposed by subsection 7, paragraph “a”, the court shall order a person convicted under subsection 2 or 3 to participate in a batterers’ treatment program as required under section 708.2B. In addition, as a condition of deferring judgment or sentence pursuant to section 907.3, the court shall order the person to participate in a batterers’ treatment program. The clerk of the district court shall send a copy of the judgment or deferred judgment to the judicial district department of correctional services.

## Dating Violence:

Dating violence is **not** further defined by Iowa law.

## Stalking:

### 708.11 Stalking: As defined by the Iowa State Criminal Law:

1. As used in this section, unless the context otherwise requires:
  - a. “Accompanying offense” means any public offense committed as part of the course of conduct engaged in while committing the offense of stalking.
  - b. “Course of conduct” means repeatedly maintaining a visual or physical proximity to a person without legitimate purpose or repeatedly conveying oral or written threats, threats implied by conduct, or a combination thereof, directed at or toward a person.
  - c. “Immediate family member” means a spouse, parent, child, sibling, or any other person who regularly resides in the household of a specific person, or who within the prior six months regularly resided in the household of a specific person.
  - d. “Repeatedly” means on two or more occasions.
2. A person commits stalking when all of the following occur:
  - a. The person purposefully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear bodily injury to, or the death of, that specific person or a member of the specific person’s immediate family.
  - b. The person has the knowledge or should have known that the specific person will be placed in reasonable fear of bodily injury to, or the death of, that specific person or a member of the specific person’s immediate family by the course of conduct.
  - c. The person’s course of conduct induces fear in the specific person of bodily injury to, or the death of, the specific person or a member of the specific person’s immediate family.
3. A person who commits stalking in violation of this section commits a class “C” felony for a third or subsequent offense.
  - a. A person who commits stalking in violation of this section commits a class “D” felony if any of the following apply:
    - i. The person commits stalking while subject to restrictions contained in a criminal or civil protective order or injunction, or any other court order which prohibits contact between the person and the victim, or while subject to restrictions contained in a criminal or civil protective order or injunction or other court order which prohibits contact between the person and another person against whom the person has committed a public offense.
    - ii. The person commits stalking while in possession of a dangerous weapon, as defined in section 702.7.
    - iii. The person commits stalking by directing a course of conduct at a specific person who is under eighteen years of age.
    - iv. The offense is a second offense.
  - b. A person who commits stalking in violation of this section commits an aggravated misdemeanor if the offense is a first offense which is not included in paragraph “a”.
4. Violations of this section and accompanying offenses shall be considered prior offenses for the purpose of determining whether an offense is a second or subsequent offense. A conviction for,

deferred judgment for, or plea of guilty to a violation of this section or an accompanying offense which occurred at any time prior to the date of the violation charged shall be considered in determining that the violation charged is a second or subsequent offense. Deferred judgments pursuant to section 907.3 for violations of this section or accompanying offenses and convictions or the equivalent of deferred judgments for violations in any other states under statutes substantially corresponding to this section or accompanying offenses shall be counted as previous offenses. The courts shall judicially notice the statutes of other states which define offenses substantially equivalent to the offenses defined in this section and its accompanying offenses and can, therefore, be considered corresponding statutes. Each previous violation of this section or an accompanying offense on which conviction or deferral of judgment was entered prior to the date of the violation charged shall be considered and counted as a separate previous offense. In addition, however, accompanying offenses committed as part of the course of conduct engaged in while committing the violation of stalking charged shall be considered prior offenses for the purpose of that violation, even though the accompanying offenses occurred at approximately the same time. An offense shall be considered a second or subsequent offense regardless of whether it was committed by the same person who was the victim of any other previous offense.

5. Notwithstanding section 804.1, rule of criminal procedure 2.7, Iowa court rules, or any other provision of law to the contrary, upon the filing of a complaint and a finding of probable cause to believe an offense has been committed in violation of this section, or after the filing of an indictment or information alleging a violation of this section, the court shall issue an arrest warrant, rather than a citation or summons. A peace officer shall not issue a citation in lieu of arrest for a violation of this section. Notwithstanding section 804.21 or any other provision of law to the contrary, a person arrested for stalking shall be immediately taken into custody and shall not be released pursuant to pretrial release guidelines, a bond schedule, or any similar device, until after the initial appearance before a magistrate. In establishing the conditions of release, the magistrate may consider the defendant's prior criminal history, in addition to the other factors provided in section 811.2.
6. For purposes of determining whether or not the person should register as a sex offender pursuant to the provisions of chapter 692A, the fact finder shall make a determination as provided in section 692A.126.

## Consent:

Under Iowa law the following people are unable to give consent:

- Persons who are asleep or unconscious
- Persons who are incapacitated due to the influence of drugs, alcohol, or medication
- Persons who are unable to communicate consent due to a mental or physical condition

## Preserving Evidence:

It is vital for any criminal investigation to preserve all evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order or other significant court ordered actions. To ensure the integrity of the evidence is protected, such evidence should be collected by a law enforcement officer and preserved in a manner that complies with the policies of

the collecting law enforcement agency. All victims or witnesses of a crime are encouraged to contact local law enforcement immediately and avoid contact with, wash or clean any items, material or bodily fluids that might be considered evidence of the criminal act. Upper Iowa retains evidence with the assistance of Campus Police and the Fayette Police Department at a secure location.

## Sex Offenders

The federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to issue a statement advising the campus community where law enforcement agency information provided by a State concerning registered sex offenders may be obtained. In accordance with federal law, the Upper Iowa University Campus Police is providing a link to the Iowa Sex Offender Registry. This act requires institutions of higher education to issue a statement advising the campus community where law enforcement information provided by a state concerning registered sex offenders may be obtained. It also requires sex offenders already required to register in a state to provide notice of each institution of higher education in that State at which the person is employed, carries a vocation, or is a student. Iowa law requires a person who has been convicted of a sex offense crime anywhere to register with the sheriff in the county in which they reside; and, if the person attends or works for an institution of higher education, register with the sheriff in the county in which the institution is located. Information about sex offenders is maintained by the Iowa Department of Public Safety and can be accessed at <http://www.iowasexoffender.com> Locally, a public list of registrants containing photos, descriptions, and last known addresses of such individuals is available at the Fayette County Sheriff's office (563) 422-3234. For additional assistance, contact the Upper Iowa University Campus Police (563) 425-5372.

## Law Enforcement Jurisdiction

The Fayette Police Department is the primary responding law enforcement agency for Upper Iowa University. The Assistant Vice President for Student Life is the law enforcement liaison for Upper Iowa University and all criminal offenses are reported to the Fayette Police Department for response and investigation. Campus Police personnel provide a visible deterrence of criminal activity and physical security for campus property, coordinating with local and state law enforcement agencies to ensure a response, reporting, and investigation of crimes are prompt and effective.

## Annual Security Report Availability

A copy of Upper Iowa University's Annual Security Report can be obtained by contacting Campus Police or by accessing the website where it can be viewed. The campus crime statistics may be viewed at <http://www.uiu.edu/support/emergency-preparedness/security-reports-location.html>

This report includes statistics for the previous three years concerning reported crimes that occurred on-campus; in certain off-campus buildings or property owned or controlled by Upper Iowa University; and on public property within, or immediately adjacent to and accessible from, the campus. The report also includes institutional policies concerning campus security, such as policies in regard to sexual assault and other matters.



## UIU Title IX Sexual Misconduct Policy (Overview)

### PURPOSE

The purpose of this policy is to fulfill UIU's obligations as a recipient of federal funding under Title IX of the Education Amendments Act of 1972 ("Title IX") and implement the policies, procedures, training, and record-keeping required by Title IX.

### POLICY

Upper Iowa University (UIU or University) is committed to the principles of equal opportunity and seeks to establish and maintain a safe and healthy environment for all members of the UIU community. UIU provides programs and activities in an educational environment that fosters courtesy and respect. In compliance with Title IX, this policy sets forth the procedures that apply when the University has actual knowledge of allegations of quid pro quo sexual harassment, unwelcome conduct sexual harassment, sexual assault, dating violence, domestic violence, and stalking within its education programs and activities within the United States. The policy sets forth the specific types of conduct that are prohibited by this policy, as well as the resources and support services available to those in the UIU community who are impacted by sexual misconduct.

This policy applies to students, employees, and applicants for employment and admission who participate or attempt to participate in UIU's education programs and activities, regardless of sexual orientation or gender identity.

This policy applies to conduct that takes place in UIU education programs and activities, including locations, events, or circumstances over which UIU exercises substantial control over both the Respondent and the context in which the alleged conduct occurs. This includes conduct within property owned or controlled by UIU, buildings owned or controlled by student organizations officially recognized by UIU, and technology resources owned or provided by UIU.

Other policies, including but not limited to UIU's Discrimination, Harassment, and Retaliation Policy, may apply to sexual harassment, discrimination, and other misconduct that does not meet the Title IX jurisdictional requirements and/or the Title IX definitions for prohibited conduct.

### I. NOTICE OF NON-DISCRIMINATION

UIU is committed to maintaining a fair and respectful environment for work, study and participation in the life of the University. UIU expressly prohibits any member of the University community from harassing or discriminating against any employee or student of the University because of that person's race, color, national origin, ethnicity, creed, religion, age, disability, sex, gender, gender identity, sexual orientation, pregnancy, veteran status, genetic information and other characteristics protected by law ("protected class").

Sex discrimination is prohibited by Title IX of the Education Amendments of 1972, and its implementing regulations (34 C.F.R. Part 106, as amended by 85 FR 30026 (May 19, 2020)), a federal law that provides that: “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.” Prohibited conduct under this policy is also prohibited under the Clery Act as amended by VAWA, Title VII of the Civil Rights Act of 1964, and other applicable statutes, regulations, and administrative code provisions. The requirement of non-discrimination in educational programs and activities extends to employment and admission.

Incidents of protected class harassment or discrimination will be met with appropriate disciplinary action, up to and including dismissal or termination of employment from the University. The University is committed to preventing or stopping discrimination or harassment whenever it may occur at the University or in its sponsored activities. Questions regarding this statement may be directed to the Title IX Coordinator, Assistant Vice President for Student Life, Compliance Coordinator, or Vice President for Human Resources. Inquiries or complaints concerning the application of Title IX may be referred to UIU’s Title IX Coordinator, the United States Department of Education, or the Office for Civil Rights that covers your campus or center:

Questions regarding this statement may be directed to the Title IX Coordinator, Assistant Vice President for Student Life, Compliance Coordinator, or Vice President for Human Resources. Inquiries or complaints concerning the application of Title IX may be referred to UIU’s Title IX Coordinator, the United States Department of Education, or the Office for Civil Rights that covers your campus or center:

Beau Sudtelgte  
 Vice President for Human Resources/Title IX Coordinator  
 Upper Iowa University Main Campus  
 605 Washington Street  
 Fayette, IA 52142  
 (563) 425-5959  
 sudtelgteb24@uii.edu

The University has also designated the following Deputy Title IX Coordinators to assist the Title IX Coordinator in carrying out the duties under this policy:

<p>Danielle Cushion          Assistant Vice President for Student Life          Upper Iowa University Main Campus          605 Washington Street          Fayette, IA 52142          (563) 425-5765          cushiond46@uii.edu</p>	<p>Corey Lange          Human Resources Generalist          Upper Iowa University Main Campus          605 Washington Street          Fayette, IA 52142          (563) 425-5986          langec22@uii.edu</p>	<p>Spencer Lambert          Director of Student Accessibility Services          Upper Iowa University Main Campus          605 Washington Street          Fayette, IA 52142          (563) 425-5949          lamberts10@uii.edu</p>
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A person may also file a complaint of sexual misconduct with the United States Department of Education’s Office for Civil Rights regarding an alleged violation of Title IX by visiting <http://www2.ed.gov/about/offices/list/ocr/complaintintro.html> or by calling 1-800-421-3481.

<p><b>Title IX Coordinator</b>          Beau Sudtelgte          Vice President for Human Resources/Title IX Coordinator          Upper Iowa University Main Campus          605 Washington Street          Fayette, IA 52142          (563) 425-5959  <a href="mailto:sudtelgteb24@uiu.edu">sudtelgteb24@uiu.edu</a></p>	<p><b>Chicago Office [covers IL, IA, WI]</b>          Office for Civil Rights          U.S. Department of Education          John C. Kluczynski Federal Building          230 S. Dearborn Street, 37th Floor          Chicago, Illinois 60604          Telephone: 312-730-1560          E-mail: <a href="mailto:OCR.Chicago@ed.gov">OCR.Chicago@ed.gov</a>          TDD: 800-877-8339</p>
<p><b>U.S. Department of Education</b> Office for Civil Rights          (OCR) 400 Maryland Avenue, SW          Washington, DC 20202-1100          Customer Service Hotline #:          (800) 421-3481          TTY#: (800) 877-8339          E-mail: <a href="mailto:OCR@ed.gov">OCR@ed.gov</a></p>	<p><b>Denver Office [covers AZ]</b>          Office for Civil Rights          U.S. Department of Education          Cesar E. Chavez Memorial Bldg.          1244 Speer Blvd., Suite 310          Denver, CO 80204-3582          Telephone: 303-844-5695          E-mail: <a href="mailto:OCR.Denver@ed.gov">OCR.Denver@ed.gov</a></p>
<p><b>Kansas City Office [covers KS, OK]</b>          Office for Civil Rights          U.S. Department of Education          1010 Walnut Street, Suite 320          Kansas City, MO 64106          Telephone: 816-268-0550          E-mail:  <a href="mailto:OCR.KansasCity@ed.gov">OCR.KansasCity@ed.gov</a></p>	<p><b>Dallas Office [covers LA, TX]</b>          Office for Civil Rights          U.S. Department of Education 1999 Bryan Street, Suite 1620 Dallas, TX 75201-6810          Telephone: 214-661-9600          E-mail: <a href="mailto:OCR.Dallas@ed.gov">OCR.Dallas@ed.gov</a></p>

## II. Resources

### A. Medical Assistance

UIU encourages students and employees to seek medical assistance as soon as possible after a sexual assault to allow for diagnosis and treatment of any injuries or other physical effects and to properly collect and preserve evidence. There is a limited window of time after a sexual assault to preserve physical and other forms of evidence. Gathering such evidence does not commit an individual to pursuing legal action but does preserve that option.

Individuals should try not to shower, bathe, douche, urinate, rinse mouth, brush teeth, drink liquids, or

change clothes to allow for maximum possible collection of evidence by a Sexual Assault Nurse Examiner (SANE) nurse or other health care provider. If clothing has been changed since the assault, bring the clothing worn at the time of the assault to the hospital in a clean, sanitary container such as a paper bag or wrapped in a clean sheet (plastic containers do not breathe and may render evidence useless). If clothing has not been changed, bring a change of clothes to the hospital, if possible, as they will likely need to keep the clothes worn at the time of the assault as evidence. A support person may accompany you to the hospital and may be with you throughout the exam if desired. Leave all sheets, towels, etc. undisturbed so law enforcement may collect evidence.

A SANE nurse is a registered nurse who has been specially trained to provide comprehensive care to sexual assault survivors in a medical setting. SANE nurses are usually on call 24 hours a day, seven days a week (call the emergency room if you first want to speak to the nurse; they will refer you). The SANE nurse or other hospital staff member will assist with the medical evaluation, collect evidence, check for injuries, address possible pregnancy concerns and address the possibility of exposure to sexually transmitted infections. In Iowa, this exam in a hospital is paid for by the state. For students and employees at the Fayette campus, medical assistance following a sexual assault is available at:

Iowa (Outside Fayette area)

UnityPoint - St. Luke's Hospital 1026 A Ave NE, Cedar Rapids, IA 52402 319-369-7211	Mercy Medical Center 701 10th St SE, Cedar Rapids, IA 52403 319-398-6011
Mercy One West Des Moines Medical Center 1755 59th Pl West Des Moines, IA 50266 515-358-8000	Unity Point - Methodist West Hospital 1661 60th St. West Des Moines, IA 50266 515-343-1000
Genesis Medical Center - East campus 1227 East Rushome Street, Davenport, IA 52803 563-421-1000	Select Special Hospital 1111 West Kimberly Road Davenport, IA 52806 563-468-2000
MercyOne Waterloo Medical Center 3421 W 9th Street Waterloo, IA 50702 319-272-8000	UnityPoint - Allen Hospital 1825 Logan Ave Waterloo, IA 50703 319-235-3941
Unity Point - Trinity Bettendorf 4500 Utica Ridge Road Bettendorf, IA 52722 563-742-5000	

**B. Confidential Resources**

After experiencing an act of sexual misconduct, students and employees may prefer to seek assistance from Confidential Resources for confidential services and support. Confidential Resources are not permitted to share any information with law enforcement, the Title IX Coordinator, or other University employees.

Resource	Telephone	Other Contact Information
Director of Counseling  Victim's Advocate/Educator	563-425-5786 563-425-5883 563-425-5932	<a href="mailto:heimerdingerc30@uiu.edu">heimerdingerc30@uiu.edu</a> lenzb29@uiu.edu counseling@uiu.edu
UIU Employee Assistance Program	1-800-854-1446: English 1-877-858-2147: Spanish 1-800-999-3004: TTY/TDD	www.lifebalance.net; User ID and password: "lifebalance"
Riverview Center: A trained sexual assault advocate is available to talk by phone, meet in person, and/or accompany an individual to the emergency	563-380-3332 1-888-557-0310 (24-hour hotline staffed by trained sexual assault advocates)	<a href="http://www.riverviewcenter.org">http://www.riverviewcenter.org</a> ; 1111 S. Paine Street, Suite F, Decorah, IA
National Sexual Assault Hotline	1-800-656- 4673	
Domestic Violence Hotline	1-800-383-2988	
Iowa Sexual Abuse Hotline	1-800-284-7821	
Iowa Domestic Abuse Hotline	1-800-942-0333	
Helping Services for Youth and Families (Domestic Abuse Resource)	1-800-383-2988 (24-hour Domestic Abuse Resource Line)	Oelwein, IA

### C. Non-Confidential Resources

The following resources can provide assistance and support after a sexual misconduct incident. Information shared with these resources may result in UIU investigating the incident and taking further action under this, or another, UIU policy. UIU employees may not promise confidentiality unless their professional role is confidential, and they have received the report in that confidential capacity. Employees who become aware of incidents or allegations of sexual misconduct, including sexual assault, dating violence, domestic violence, or stalking, and have authority to institute corrective measures, must report the matter to the Title IX Coordinator even if the Complainant requests confidentiality

Resource	Telephone	Other Information
Fayette Police Department	911 (Emergency)	563-425-3500 (non-emergency)
UIU Campus Security (provided by Fayette Police Department)	563-425-5372	

UIU Resident Assistants	563-379-1407 (north side) 563-419-4250 (south side)	
UIU VP Human Resources	563-425-5959	1 <sup>st</sup> fl. A-D bldg., Fayette
UIU Asst. VP Student Life	563-425-5765	2 <sup>nd</sup> fl. Student Center, Fayette
UIU Dir. Student Accessibility Services	563-425-5949	2 <sup>nd</sup> fl. Student Center, Fayette

### III. DEFINITIONS

**Actual Knowledge:** Notice of sexual harassment or allegations of sexual harassment to the University’s Title IX Coordinator or any official of the University who has authority to institute corrective measures on behalf of UIU. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only UIU official with actual knowledge is the Respondent. The mere ability or obligation to report sexual harassment or to inform a student about how to report sexual harassment, or having been trained to do so, does not qualify an individual as one who has authority to institute corrective measures on behalf of the University. Notice as used in this paragraph includes, but is not limited to, a report of sexual harassment to the Title IX Coordinator.

**Advisor:** A person selected to provide advice to a party for all, or a portion, of the grievance process. Complainants or Respondents may be accompanied by one Advisor, who is not a witness, to any Title IX related proceeding. Advisors are not mandatory, but only an Advisor may cross-examine other parties and witnesses during a live hearing. If a party does not have an Advisor for cross-examination, UIU will provide one for the purpose of conducting cross-examination during a live hearing. Cross-examination is the only time an Advisor may speak for a party or directly address another party.

**Complainant:** An individual who is alleged to be the victim of conduct that could constitute sexual harassment.

**Consensual Relationships:** Consensual Relationships between faculty, students, coaches, and staff can create a conflict of interest when there is an actual or perceived power disparity between the consenting parties. All UIU employees and students are required to adhere to the University’s Consensual Relationships Policy, which can be found on the University’s Policies and Reports web page.

**Consent:** Consent is sexual permission. Consent is active, not passive. Consent can be given by word or action, as long as those words or actions are clear, knowing, and voluntary, and create mutually understandable and clear permission regarding willingness to engage in (and the conditions of) sexual activity. Consent to any one form of sexual activity cannot be automatically taken as consent to any other form of sexual activity.

Previous relationships or prior consent cannot imply consent to future sexual acts. Consent can be withdrawn, once given, through word or action. Consent may be withdrawn by any word or action that a reasonable person would understand to withdraw consent.

**Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship shall be determined based on a consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Under the

Clery Act and the Campus SaVE Act, UIU will record and report all relevant incidents of Dating Violence.

**Domestic Violence:** A felony or misdemeanor crime of violence committed by:

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

Under the Clery Act and the Campus SaVE Act, UIU will record and report all relevant incidents of Domestic Violence.

**Education Program or Activity:** All programs and activities operated by UIU, including locations, events, or circumstances over which UIU exercises substantial control over both the Respondent and the context in which the alleged conduct occurs, including buildings owned or controlled by student organizations officially recognized by UIU.

**Formal Complaint:** A document filed by a Complainant or signed by the Title IX Coordinator alleging sexual harassment against a Respondent and requesting that the University investigate the allegation of sexual harassment. At the time of filing a Formal Complaint, a Complainant must be participating in or attempting to participate in a UIU Education Program or Activity. A Formal Complaint may be filed with the Title IX Coordinator in person during business hours at the Human Resources Office on the 1st Floor of Alexander Dickman; by mail to Beau Sudtelgte, Title IX Coordinator, 605 Washington Street, P.O. Box 1857, Upper Iowa University, Fayette, IA 52142; or at any time by e-mail to [sudtelgteb24@uiu.edu](mailto:sudtelgteb24@uiu.edu). A Formal Complaint must contain the Complainant's physical or digital signature or otherwise indicate that the Complainant is the person filing the Formal Complaint. Where the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party.

**Incapacitation:** Incapacitation is a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing consent (e.g. to understand the "who, what, when, where, why, or how" of their sexual interactions). Incapacitation can occur mentally, physically, from developmental disability, by alcohol or other drug use, or blackout. The question of what the Respondent should have known is objectively based on what a reasonable person in the place of the Respondent, sober and exercising good judgment, would have known about the condition of the

Complainant. Sexual activity with someone you know to be or should know to be incapacitated is without consent. This policy also covers a person whose incapacity results from mental disability, sleep, unconsciousness, involuntary physical restraint or from the taking of rape drugs. Possession, use, and/or distribution of rape drugs including, but not limited to, Rohypnol, Ketamine, GHB, and Burundanga are prohibited.

**Investigators:** Individuals assigned to conduct investigations of alleged misconduct. Investigators may be UIU staff or faculty or appropriately trained individuals external to UIU.

**Preponderance of the Evidence:** The standard used by UIU to determine if a policy violation occurred. Preponderance of the evidence means that the information/evidence demonstrates that it is more likely than not that the alleged conduct or policy violation has occurred.

**Remedies:** Measures to restore or preserve the Complainant's equal access to UIU's Education Programs and Activities.

**Respondent:** Person who has been reported to be the perpetrator of conduct that could constitute sexual harassment.

**Responsible Employees:** Responsible Employees are University officials who have the authority to institute corrective measures on behalf of the University. Along with the Title IX Coordinator and the Deputy Title IX Coordinators, the following employees of UIU are Responsible Employees: Members of President's Council, Deans, Assistant Vice Presidents, Assistant Deans, Executive Directors, Directors (except Counseling Center staff), Associate Athletic Directors, full-time Student Life staff, Department Chairs, and Graduate Program Directors. A Responsible Employee's knowledge of sexual harassment or allegations of sexual harassment constitutes Actual Knowledge by the University. When the Title IX Coordinator and/or any Responsible Employee has notice of sexual harassment or allegations of sexual harassment, UIU is obligated to respond promptly, including by offering Supportive Measures.

**Retaliation:** Intimidating, threatening, coercive, or discriminatory conduct directed to an individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding or hearing.

**Sexual Assault:** Any nonconsensual sexual act or any sexual act with a Complainant lacking capacity to consent including, without limitation:

- Rape, sexual battery, sexual abuse, fondling, incest, statutory rape, and sexual coercion;
- Any intentional sexual touching, however slight, with any object, by a person upon another person that is without consent and/or by force;
- Intentional contact with the breasts, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch a person or themselves with or on any of these body parts, that is without consent and/or by force;
- Any sexual intercourse, however slight, with any object, by a person upon another person that is without consent and/or by force. Intercourse includes vaginal or anal penetration by a penis,



object, tongue or finger, and oral copulation (mouth to genital contact), no matter how slight the penetration or contact.

**Sexual Harassment:** Sexual Harassment includes:

- Quid Pro Quo Sexual Harassment: Occurs when a UIU employee conditions the provision of an aid, benefit, or service on an individual's participation in unwelcome sexual conduct.
- Unwelcome Conduct Sexual Harassment: Conduct on the basis of sex that is unwelcome and is determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an Education Program or Activity of UIU.
- Sexual Assault, Dating Violence, Domestic Violence, and Stalking.

**Sanctions:** Disciplinary action imposed upon a Respondent after a determination of responsibility following a grievance process that complies with this policy and Title IX. Sanctions may include but are not limited to the following: verbal or written warnings, probation, no-contact directives, suspension, remedial training, restitution, probation, suspension, transcript notation, termination of employment, or expulsion from the University.

**Stalking:** Stalking occurs when a person engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress.

**Supportive Measures:** Services offered to a Complainant or Respondent to restore or preserve equal access to UIU's Education Programs and Activities, protect the safety of any party or the UIU community, or deter sexual harassment. Supportive Measures are non-disciplinary, non-punitive, and confidential to the extent possible. Supportive Measures may be offered even if a Complainant does not submit a Formal Complaint. Supportive Measures may include ongoing steps to protect parties from retaliation or harm; providing an escort to ensure safe movement between classes, work, and activities; assistance in accessing advocacy services, academic support, counseling, disability services, health or mental health services, and legal assistance; issuing a no contact directive; helping arrange a change of living or working arrangements or course schedules; adjustments for assignments or tests; alternative course completion options; temporary withdrawal or leave from the University; and any other measure that can be tailored to the parties to achieve the goals of this policy. The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.

## IV. THE GRIEVANCE PROCESS

### A. Reporting

1. Individuals who have experienced or who have knowledge of activities that may constitute sexual misconduct under this policy, or under the Discrimination, Harassment, and Retaliation Policy, are encouraged to report those allegations to the Title IX Coordinator.

Employees designated as Responsible Employees are required to report such allegations to the Title IX Coordinator.

2. The Title IX Coordinator will contact the Complainant promptly (usually within 2 business days) after receiving a report of sexual misconduct. During the initial meeting with the Complainant, which may occur in person, telephonically, or via videoconference, the Title IX Coordinator will:
  - Receive from the Complainant the allegations of sexual misconduct;
  - Discuss the availability of Supportive Measures and offer Supportive Measures;
  - Explain to the Complainant that Supportive Measures are available with or without the filing of a Formal Complaint;
  - Inform the Complainant of options for notifying law enforcement and accessing counseling services;
  - Explain to the Complainant the process for filing a Formal Complaint; and
  - Provide the Complainant with a copy of, or a link to, this policy and the Discrimination.
3. After the initial meeting with the Complainant, the Title IX Coordinator will implement any reasonable Supportive Measures considering the Complainant's wishes regarding Supportive Measures and ensuring that any Supportive Measures are not punitive or disciplinary with respect to any Complainant or Respondent.
4. Third Party and Anonymous Reporting: Any individual may make an anonymous report concerning an allegation of sexual misconduct. An individual may report the incident without disclosing his/her name, identifying individuals involved, or requesting any action. Depending on the level of information available about the incident or the individuals involved, anonymous reporting may impact UIU's ability to respond or pursue appropriate action. Making an initial anonymous report does not prevent an individual from choosing to follow-up with additional information or through a different reporting option.

Anonymous reports may be made through the Lighthouse reporting system. Lighthouse may be reached on their website, which is [www.lighthouse-services.com/uiu](http://www.lighthouse-services.com/uiu), by phone at (833) 350-0022, or by email at [reports@lighthouse-services.com](mailto:reports@lighthouse-services.com) (UIU must be identified in the email). All reports will go to the Title IX Coordinator for review. Incidents may also be reported through <http://uiu.edu/experience/safety-security/report-an-incident-or-crime/>. Third parties are not entitled to information about UIU's investigation and response due to privacy concerns and applicable federal and state laws.

## **B. Formal Complaint**

1. The Title IX Coordinator is obligated to initiate the grievance process in this policy only when a Complainant files or the Title IX Coordinator signs a Formal Complaint. The Title IX Coordinator will consider the Complainant's wishes and will only sign a Formal Complaint to initiate the grievance process against the Complainant's wishes after consideration of all the known circumstances. Only the Title IX Coordinator can override a Complainant's decision

not to pursue a Formal Complaint and only when justified by circumstances. Regardless of whether a Formal Complaint is filed, the Title IX Coordinator will continue Supportive Measures as indicated and encourage the Complainant to seek assistance as needed.

2. Upon receipt of a Formal Complaint, the Title IX Coordinator will promptly (usually within 5 business days) send to the parties notice of the allegations. The notice will provide the following information:
  - The identity of the parties;
  - Sufficient details concerning the alleged conduct to permit the parties to prepare for an initial interview, including the date and location of the alleged conduct and the specific facts about the alleged conduct;
  - Respondents are presumed not responsible for the alleged conduct unless and until found responsible at the conclusion of the grievance process;
  - Parties have the right to select an Advisor of their choice, who may be, but is not required to be, an attorney;
  - An explanation of the application of the Preponderance of the Evidence standard to be used in the hearing;
  - A list of Supportive Measures available to both parties, including accommodations, if needed, to participate in any part of the grievance process.
  - A list of potential Remedies and Sanctions UIU may impose; and
  - A copy of, or a link to, this Title IX Sexual Misconduct Policy.
3. A Formal Complaint may be dismissed at any time during the grievance process for the following reasons:
  - The Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
  - The Respondent is no longer a UIU student or employee; or
  - Circumstances prevent UIU from gathering enough evidence to reach a determination as to the Formal Complaint or allegations therein.
4. At any point after a Formal Complaint is filed, UIU will dismiss the Formal Complaint or allegations in the Formal Complaint if it determines the jurisdictional requirements or the definitions for prohibited conduct under Title IX have not been met. A party may appeal the decision to dismiss the Formal Complaint or specific allegations in accordance with the appeal process set forth in section IV.F of this policy. When a Formal Complaint is dismissed in whole or in part, UIU may take action to address the alleged conduct under another policy.

At any time after a Formal Complaint is filed and before a determination regarding responsibility, an informal resolution may be pursued if both parties consent to engage in the informal resolution process and the Title IX Coordinator agrees the case is appropriate for informal resolution. Informal resolution is not an option if the Title IX Coordinator determines it is inappropriate for any reason or if the Formal

Complaint alleges: Sexual Harassment of a student by an employee; any form of sexual misconduct involving physical violence; and/or Sexual Assault.

Informal resolutions do not involve an investigation or hearing. If both parties agree to pursue informal resolution, the Title IX Coordinator will meet with each party separately to obtain voluntary and written consent to the informal resolution process and provide both parties a written notice disclosing the allegations and the requirements of the informal resolution process including:

- The parties will be precluded from resuming the formal grievance process once an informal resolution is agreed upon, in writing, by the parties.
- At any time before an informal resolution is agreed upon, in writing, by the parties, either party may withdraw from the informal resolution process, and the formal grievance process will resume.

The Title IX Coordinator is responsible for determining what method of informal resolution is appropriate for each specific case and may direct that the formal grievance process resume at any time for any reason, including if no resolution is reached informally after reasonable attempts over a reasonable amount of time (usually 30 days). When informal resolution is attempted, the Title IX Coordinator will designate an individual trained in dispute resolution to meet with the parties to attempt to reach an informal resolution.

### **C. Investigation**

1. After the parties have received notice of the allegations, the Title IX Coordinator will appoint one or more trained individuals to investigate the allegations and prepare an investigative report. Investigators are trained to serve impartially and be free from conflicts of interest and bias.
2. Investigators are responsible for gathering evidence. Investigators have discretion to conduct the investigation and gather evidence in a manner suited to the allegations, the needs of the parties, and any unique circumstances within the requirements of Title IX. However, all investigations will include the following:

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<sup>1</sup> Students may initiate a request for accommodation with the Title IX Coordinator or by contacting Student Accessibility Services. Employees may initiate a request for accommodation with the Title IX Coordinator or Human Resources. Evidence from a healthcare professional to substantiate the need for accommodation will be required.

### **Informal Resolution Option**

- Written notice of the date, time, location, and purpose of any interview, meeting, or hearing when a party's participation is invited or expected, with enough time to prepare (usually 5 business days unless a party consents to shorter notice);
- Equal opportunity for each party to select an Advisor of the party's choice to attend interviews, meetings, and hearings;

- Interviews of each party conducted by the same investigator.
- Equal opportunity for each party to provide the investigator with inculpatory and exculpatory evidence.
- Parties who elect not to participate in the investigation will have the opportunity to offer evidence during the hearing and/or appeal stages of the process, though failure to offer evidence prior to an appeal does not constitute grounds for appeal on the basis of new evidence
- Equal opportunity for each party to provide the investigator with information regarding fact and expert witnesses.
- Witness interviews if information provided by a party indicates there are witnesses with relevant information. Witnesses are expected to cooperate with and participate in UIU's investigation. Any witness scheduled to participate in a hearing must have been interviewed first by investigators unless all parties consent to the participation of that witness in the hearing.
- A preliminary investigative report containing evidence gathered during the investigation. The report must be provided to all parties and Advisors simultaneously for their review and all parties must have an equal opportunity (at least ten days) to review and submit a written response to the evidence presented in the preliminary investigative report. The investigator must consider the responses submitted prior to completing the final investigative report.
- A copy of the final investigative report fairly summarizing the relevant evidence must be provided to all parties and Advisors simultaneously at the conclusion of the investigation.
- The investigator must maintain a complete investigative file including records of interviews, all evidence, the preliminary investigative report, any written responses provided by the parties to the investigative report, and the final investigative report. The investigative file must be maintained for 7 years following the resolution of the case.
- Neither the investigation nor the hearing may include a party's medical or psychiatric records made by any medical professional or paraprofessional unless that party's voluntary, written consent to the use of such records is obtained.
- Neither the investigation nor the hearing may include the past sexual history or sexual character of a party except in the unusual situation that such information is determined to be relevant. All such information sought to be included will be presumed irrelevant,

and any request to overcome this presumption by the parties must be reviewed by the Title IX Coordinator.

#### **D. Hearing**

1. After the investigation is concluded and the final investigative report is complete, the Title IX Coordinator will designate one or more individuals (usually 3 University employees but the Title IX Coordinator has discretion to designate non-employees) trained to serve impartially and free from conflicts of interest and bias to serve as decision-makers. The Title IX Coordinator will consult with the parties, their Advisors, and the decision-maker(s) and will determine a hearing date (usually between 5 and 20 business days after the final investigative report is provided to the parties).
2. Decision-makers are responsible for the orderly and civil conduct of the hearing. Decision-makers have discretion to determine the order of the hearing in a manner suited to the evidence presented, the needs of the parties, and any unique circumstances within the requirements of Title IX provided the parties are treated equally. However, all hearings will adhere to the following:
  - Parties will have equal opportunity to present witnesses and other inculpatory and exculpatory evidence.
  - Parties will have equal opportunity to have an Advisor present.
  - Each party's Advisor will be permitted to ask the other party and any witnesses relevant questions and follow-up questions, including to challenge credibility. If a party does not have an Advisor at the hearing to conduct cross-examination, UIU will provide an Advisor to question the other party and any witnesses.
  - The hearing may be held in-person or remotely using videoconferencing that allows the parties to simultaneously see and hear the party or the witness answering questions. At the request of either party, UIU will utilize technology that allows the parties to be in separate rooms for a live hearing.
  - Decision-makers may exclude questions as not relevant but must explain any decision to exclude a question as not relevant.
  - If a party or witness does not submit to cross-examination, the decision-maker(s) must not rely on any statement of that party or witness in reaching a determination regarding responsibility.
  - UIU must create an audio, audiovisual, or transcription of any live hearing and make it available to parties for inspection and review.
3. Decision-makers have sole authority to set and enforce hearing rules. Prior to the hearing, decision-makers may require parties and/or Advisors to attend a prehearing meeting with one or more decision-makers to review the hearing order and procedures. Provided the parties are treated equally, decision-makers may:
  - Limit the time available for questioning each party and each witness;
  - Limit the number of witnesses if the information to be provided is duplicative;
  - Exclude character witnesses;
  - Allow breaks for any reason, including to allow parties to consult with Advisors;

- Remove Advisors for questioning a party or witness in an abusive, intimidating, harassing or disrespectful manner. Advisors will be given one warning before removal unless the behavior, in the judgment of the decision-maker, is egregious enough to warrant immediate removal. If an Advisor is removed, the hearing will be suspended to permit an alternative Advisor to be obtained or assigned.
4. After considering the evidence presented in the hearing, the decision-maker(s) will apply the Preponderance of the Evidence standard of proof to the evidence presented and determine whether the Respondent is responsible or not responsible for each allegation. The decision-maker(s) will consult with the Title IX Coordinator regarding available sanctions and remedies and provide to the Title IX Coordinator a written determination regarding responsibility including:
- Identification of allegations that constitute conduct prohibited by Title IX;
  - Description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather evidence, and hearings held;
  - Findings of fact supporting the determination;
  - Conclusions regarding the application of UIU’s policy to the facts;
  - A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any sanctions to be imposed on the Respondent, and whether Remedies designed to restore or preserve equal access to UIU’s Education Program or Activity will be provided to the Complainant; and
  - UIU’s procedures and permissible bases for the Complainant and Respondent to appeal.

After reviewing the written determination, the Title IX Coordinator will simultaneously provide the written determination to both parties. Sanctions when a Respondent is found responsible for sexual misconduct under this policy may include but are not limited to the following: verbal or written warnings, probation, no-contact directives, suspension, remedial training, restitution, probation, suspension, transcript notation, termination of employment, or expulsion from the University.

After a determination of responsibility, the Title IX Coordinator will consult with the investigator(s), the Complainant, and others as needed to determine appropriate remedies to restore or preserve the Complainant’s equal access to UIU’s Education Programs and Activities

#### **E. Appeals**

1. Any Party may utilize the appeal process to appeal:
  - The determination, following a hearing, that a Respondent is responsible or not responsible for alleged misconduct.

- UIU's decision to dismiss a Formal Complaint or any allegations within a Formal Complaint for not meeting the jurisdictional requirements or definitions of prohibited conduct under Title IX.
2. Appeals must be submitted within 5 business days after the written determination to be appealed is provided to both parties, and must be based on one or more of the following bases:
    - Procedural irregularity that affected the outcome of the matter;
    - New evidence that was not reasonably available at the time of the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; and
    - Evidence that the Title IX Coordinator, investigator(s), or decision-maker(s) had a conflict of interest or bias for or against Complainants or Respondents generally or the individual Complainant or Respondent that affected the outcome of the matter.
  3. When an appeal is filed, the Title IX Coordinator will notify the other party and appoint one or more appeal decision-makers (usually a panel of 3) who were not previously involved in the case.
  4. The appeal decision-maker(s) will determine whether the appeal is based on one or more of the three permissible bases for appeal. If the appeal is permitted, the parties will be notified that they may submit written statements in support of, or challenging, the determination regarding responsibility or the dismissal within 5 business days. If not, the parties will be notified that the original written determination stands and no appeal will be considered.
  5. If the appeal is permitted and written statements are received, upon receipt of the written statements, the appeal decision-maker(s) will review and consider the statements, decide whether to uphold the original decision(s) or require additional proceedings to allow consideration of new evidence and/or remedy a procedural irregularity, conflict of interest, or bias that affected the original decision. The appeal decision-maker(s) will prepare a written decision describing the result of the appeal and the rationale for the result. The written decision will be provided to the Title IX Coordinator for review and the Title IX Coordinator will provide the written decision to the parties simultaneously and initiate any actions necessary to correct issues in the original decision. The decision made by the appeal decision-maker(s) is final.
  6. If the appeal decision-maker(s) remands the case for additional proceedings, the results of a revised investigation can be subsequently forwarded for reconsideration at the hearing level at the discretion of the Title IX Coordinator. If the appeal decision-maker(s) remands to the original decision-maker(s) for review, the reconsideration of the original decision-maker(s) is not appealable.
  7. In rare cases where a procedural error cannot be cured by the original decision-maker(s) (as in cases of bias), the appeal decision-maker(s) may order a new hearing with new decision-



maker(s). The results of a reconvened hearing cannot be appealed. The results of a new hearing can be appealed, once, on any of the three applicable grounds for appeals.

## V. Additional Information

1. **False Reports:** The University will not tolerate intentional false reporting of incidents. It is a violation to make an intentionally false report of any policy violation, and it may also violate state criminal statutes and civil defamation laws.
2. **Parental Notification:** UIU reserves the right to notify parents/guardians of dependent students regarding any health or safety risk, change in student status or conduct situation, particularly alcohol and other drug violations. UIU may also notify parents/guardians of non-dependent students under age 21 of alcohol and/or drug policy violations. Where a student is non-dependent, UIU will contact parents/guardians to inform them of situations in which there is a significant and articulable health and/or safety risk. UIU also reserves the right to designate which University officials have a need to know about individual conduct reports pursuant to the Family Educational Rights and Privacy Act (FERPA), as amended.
3. **Amnesty for Alcohol and Other Drug Use:** The welfare of students, staff, and faculty is of paramount importance. The UIU community encourages the reporting of alleged sexual misconduct. Sometimes, students are hesitant to report to University officials because they fear that they themselves may be charged with policy violations, such as underage drinking at the time of the incident. Similarly, students are sometimes hesitant to offer assistance to others for fear that they may get themselves in trouble. (For example, an underage student who has been consuming alcohol might hesitate to assist another student to seek help from Campus Security.) To encourage reporting, UIU provides reporters of sexual misconduct and students who offer assistance to others in need a limited immunity from being charged with policy violations related to the sexual misconduct incident. While policy violations cannot be completely overlooked, UIU will provide referrals to counseling and may require educational options in such instances.
4. **Law Enforcement Involvement and Cooperation:** Complainants will be advised that they may choose whether to report sexual misconduct to local police and, if requested, the Title IX Coordinator will assist the individual in contacting law enforcement. UIU will cooperate fully with law enforcement authorities involving situations of criminal misconduct. Regardless of whether a report is made to law enforcement, the University will conduct an investigation of incidents of sexual misconduct consistent with its obligations under Title IX. UIU's grievance process will proceed regardless of whether civil authorities take any action and UIU may find a Respondent responsible for prohibited conduct under these policies even if a legal standard for a conviction by civil authorities cannot be met. Similarly, UIU will not wait for any criminal investigation to conclude before undertaking its investigation.
5. If a Complainant has obtained a restraining order or other no contact order against the Respondent from a criminal, civil, or tribal court, the Complainant should provide such

information to the Title IX Coordinator. UIU will take all reasonable and legal action to honor the order.

6. Federal Statistical Reporting Obligations: Under the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), UIU has a duty to report statistical information regarding sexual misconduct, domestic violence, dating violence, and stalking occurring on campus or on non-campus property controlled or utilized by UIU. Personally identifiable information is not included, but information must be provided to Campus Security regarding the nature of the incident, the date it occurred, and its general location (e.g. on or off-campus, in residential housing, or in the surrounding area) for publication in the Annual Safety Report (ASR). This report helps to provide the community with a clear picture of the extent and nature of campus crime and security measures on campus, to ensure greater community safety.
7. Federal Timely Warning Reporting Obligations: UIU is required to issue immediate timely warnings for incidents confirmed to pose a substantial threat of bodily harm or danger to members of the University community. UIU will ensure that a victim's name and other identifying information is not disclosed while still providing enough information for community members to make safety decisions in light of the danger.
8. Conflicts of Interest: All those involved in decision-making with respect to this policy and process have been vetted for role-based conflicts of interest and UIU has determined that no such conflicts exist. If a Complainant or Respondent has any concern that an individual acting for UIU has a personal bias or a conflict of interest, such concern should be promptly reported to the Title IX Coordinator along with the basis for the concern. The Title IX Coordinator will review the written statement and make a determination as to whether there is a conflict of interest. If a conflict of interest exists between the Complainant or Respondent and the Title IX Coordinator, reports should be directed to UIU's President. If UIU's President is a party to the allegation or has a conflict of interest with respect to an allegation, the Chair of the UIU Board of Trustees shall ensure that UIU puts in place appropriate safeguards under the circumstances to ensure that UIU promptly and equitably responds to the allegation, including, but not limited to, appointment of alternate individuals to oversee adherence to the policy.
9. In compliance with Title IX, UIU maintains records of all Title IX proceedings for 7 years.

## VI. Education and Prevention Programs

UIU is committed to educating and promoting community awareness about the prevention of sex discrimination and harassment, sexual harassment, sexual violence, stalking, domestic violence, dating violence, and sex- and gender-based harassment that does not involve conduct of a sexual nature. UIU offers programs to promote awareness and prevention throughout the year, including an overview of UIU's policies and procedures, relevant definitions (including prohibited conduct, discussion of the impact of alcohol and illegal drug use, and effective consent), the severity of sanctions for violations (including suspension and expulsion) and information about bystander intervention and risk reduction.

Incoming first-year students and new employees will receive primary prevention and awareness programming as part of their orientation. All educational programs include a review of resources and reporting options.

UIU complies in all respects with Title IX requirements for training its Title IX Coordinator(s), investigators, decision-makers, and individuals who facilitate Informal Resolution. Training materials related to Title IX are publicly available on UIU's website.

### **Contacts**

The Title IX Coordinator is responsible for answering questions regarding the application of this policy

### **Most Recently Updated Title IX policy:**

September 18, 2020 – New policy was approved by the Board of Trustees.

<https://uiu.edu/wp-content/uploads/304-Title-IX-Policy-8.14.2020.pdf>

## **Notice of Nondiscrimination and Equal Opportunity**

Upper Iowa University (the "University") welcomes persons from all backgrounds and beliefs to join our staff and University Community. We seek to create and foster a sense of community that facilitates the development, both personal and professional, of all our members, including faculty, staff, and students.

The University complies with federal, state, and local equal opportunity laws and strives to keep the University free from all forms of illegal discrimination and retaliation.

The University is committed to providing equal opportunities for all persons and does not discriminate or retaliate on the basis of race, color, national origin, ancestry, creed, religion, citizenship or intended citizenship status, veteran status, sex, gender identity, sexual orientation, pregnancy or parental status, marital status, age, disability, or any other status protected by law ("protected status"). This policy extends to admissions, employment, services, and educational programs and activities that the University operates (collectively "programs and activities").

Harassment, whether verbal, nonverbal, or physical, that is based on any protected status constitutes a form of discrimination if it denies or limits a person's ability to participate in or benefit from the University's programs and activities.

This policy covers employees, students, applicants for employment or admission, contractors, vendors, visitors, guests, and participants in University-sponsored programs and activities (collectively, the "University Community") and may apply to allegations of discrimination or retaliation that occur off campus, online, or during after-hours functions sponsored by the University.

The University has designated the individual(s) identified herein to coordinate compliance with discrimination laws, including Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Age Discrimination Act of 1975, Title VI of the Civil Rights Act of 1964, and the Americans with Disabilities Act.

### **Disability Compliance**

As part of its commitments to equal opportunity, the University is committed to providing qualified individuals with disabilities with reasonable accommodations.

Any student or prospective student with a disability, who requires assistance to ensure access to educational opportunities, should contact:

Spencer Lambert, Director of Student Accessibility Services  
Upper Iowa University Main Campus  
605 Washington Street  
Fayette, IA 52142  
(563) 425-5949  
[lamberts10@uiu.edu](mailto:lamberts10@uiu.edu)

Any current employee or individual applying for employment, who requires reasonable accommodations to complete the application process, and/or to perform the essential functions of the job, should contact:

Department of Human Resources Upper Iowa University Main Campus 605 Washington Street  
Fayette, IA 52142  
(800) 553-4150

Guests to campus should contact either Disability Services or Human Resources with any inquiries related to disability accommodations.

### **Title IX Compliance**

The Title IX Coordinator will establish a process for recording reports and investigation for sex or gender-based discrimination, harassment, and retaliation.

Contact information for the Title IX Coordinator is as follows:

Beau Sudtelgte, Vice President for Human Resources  
Upper Iowa University Main Campus  
605 Washington Street  
Fayette, IA 52142  
(563) 425-5959  
[sudtelgteb24@uiu.edu](mailto:sudtelgteb24@uiu.edu)

### **Other Protected Statutes Compliance**

Faculty, staff, and third parties should report a potential violation of the University's policy prohibiting discrimination, harassment, and retaliation (not based on sex or gender) as soon as possible to the Vice President for Human Resources:

Beau Sudtelgte, Vice President for Human Resources

Upper Iowa University Main Campus  
605 Washington Street  
Fayette, IA 52142  
(563) 425-5959  
[sudtelgteb24@uiu.edu](mailto:sudtelgteb24@uiu.edu)

Any person can file a complaint of discrimination with the U.S. Department of Education's Office for Civil Rights by visiting <https://www2.ed.gov/about/offices/list/ocr/complaintintro.html> or by calling 1-800-421-3481.

## CRIME STATISTICS: CLERY DATA

The following annual security report provides crime statistics for selected crimes that have been reported to local police agencies or to campus security authorities. The statistics reported here generally reflect the number of criminal incidents reported at the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. This report complies with 20 U.S. Code Section 1092 (f).

OFFENSES	2018					2019					2020				
	On-Campus Property		Public Property	Non-Campus	Unfounded <small>(NOT INCLUDING CLERY OFFENSE CODES)</small>	On-Campus Property		Public Property	Non-Campus	Unfounded <small>(NOT INCLUDING CLERY OFFENSE CODES)</small>	On-Campus Property		Public Property	Non-Campus	Unfounded <small>(NOT INCLUDING CLERY OFFENSE CODES)</small>
	Residence Hall	Total On-Campus				Residence Hall	Total On-Campus				Residence Hall	Total On-Campus			
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>VAWA OFFENSES</b>															
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>ARRESTS</b>															
Weapons	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alcohol	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>REFERRALS</b>															
Weapons	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Drugs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Alcohol	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>HATE CRIMES</b>															
Murder/Non-negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Larceny	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crime Key: D-Disability E-Ethnicity Ra-Race Re-Religion S-Sexual orientation G-Gender N-National Origin GI-Gender Identity

## Appendix A – Buildings and Properties Owned by Upper Iowa University

<b>Building</b>	<b>Location Type</b>	<b>Classification</b>
Alexander-Dickman Hall	On Campus	Academic
Andres Center for Business and Education	On Campus	Academic
Alumni House	On Campus	Alumni
Baker-Hebron Science	On Campus	Academic
Car Wash	On Campus	Owned and Operated
Center Sites	On Campus Site	Academic
Colgrove-Walker	On Campus	Academic
Dorman Memorial Gymnasium	On Campus	Athletic
Edgar Fine Arts	On Campus	Academic and Athletic
Facilities Management & Services	On Campus	Academic
Fay Monaco House	Non-Campus	Owned, Leased to Tenants
Garbee Hall	On Campus	Student Housing / Academic
Harms-Eischeid Football Stadium	On Campus	Athletic
Henderson-Wilder Library	On Campus	Academic
Hofmaster Apartments	Non-Campus	Owned, Leased to Tenants
Kirkpatrick House	Non-Campus	Owned, Leased to Tenants
Lee Tower	On Campus	Student Housing
Main Street Building	Non-Campus	Owned, Leased to Tenants
Parker Fox	On Campus	Academic
Peacock Arts & Athletic Center	Non-Campus	Academics and Athletics
President's House	On Campus	President's Home
Recreation Center	On Campus	Athletic
Richards House	Non-Campus	Owned, Leased to Tenants
Sellers House	Non-Campus	Owned, Leased to Tenants
South Village I	On Campus	Student Housing
South Village II	On Campus	Student Housing
South Village III	On Campus	Student Housing
Student Center	On Campus	Student Center
Winston House	On Campus	Owned, Leased to Tenants